DOCUMENT RESUME

ED 194 265 RC 012 332

TITLE Implementation of the Tribally Controlled Community Colleges Assistance Act. Hearing Before the Select Committee on Indian Affairs, United States Senate, Ninety-Sixth Congress, Second Session on P.L. 95-471, The Tribally Controlled Community Colleges Assistance Act, June 10, 1980.

INSTITUTION Congress of the U.S., Washington, D.C. Senate Select Committee on Indian Affairs.

PUB DATE 80

NOTE 73p.: Not available in paper copy due to small print size.

EDRS PRICE MF01 Plus Postage. PC Not Available from EDRS.

DESCRIPTORS Accreditation (Institutions); *American Indian Education; American Indians; *Community Colleges; *Educational Legislation; *Federal Aid; *Federal Indian Relationship; Federal Legislation; Government Role; Hearings; Postsecondary Education; Tribes

IDENTIFIERS Bureau of Indian Affairs; Congress 96th; *Tribally Controlled Community Colleges Assist Act

ABSTRACT

Meeting on June 10, 1980, the Select Committee on Indian Affairs heard testimony on the first-year implementation of Public Law 95-471, the Tribally Controlled Community Colleges Assistance Act of 1978. Testimony consisted of problems encountered during the first year, expectations for next year, and recommendations for change. The director of the Office of Indian Education Programs at the Bureau of Indian Affairs spoke on the Bureau's progress in implementing Public Law 95-471. Then the executive director of the American Indian Higher Education Consortium spoke of problems to be addressed. Next, the president of Turtle Mountain Community College spoke of the need for additional contract support in obtaining indirect costs from programs. Oglala Sioux Community College's president requested restoration of operational funds to the tribal level of the Bureau budget. He also asked that a resolution, recommendations, and letters from the Oglala Sioux Tribal Council be included in the record. The president of Dull Knife Memorial College stated that cutting off the Title III funds would threaten the existence of his college. A representative of Blackfeet Community College asked for additional funding to develop needed facilities and requested that a tribal resolution, statistical information on students, and other relevant data be included in the record. (CM)

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IMPLEMENTATION OF THE TRIBALLY CONTROLLED COMMUNITY COLLEGES ASSISTANCE ACT

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HEARING

BEFORE THE

SELECT COMMITTEE ON INDIAN AFFAIRS
UNITED STATES SENATE

NINETY-SIXTH CONGRESS

SECOND SESSION

ON

P.L. 95-471

THE TRIBALLY CONTROLLED COMMUNITY COLLEGES ASSISTANCE ACT

JUNE 10, 1980

WASHINGTON, D.C.

U S DEPARTMENT OF HEALTH, EDUCATION & WELFARE
NATIONAL INSTITUTE OF EDUCATION

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IMPLEMENTATION OF THE TRIBALLY CONTROLLED COMMUNITY COLLEGES ASSISTANCE ACT

JUNE 10, 1980

U.S. SENATE,
SELECT COMMITTEE ON INDIAN AFFAIRS,
Washington, D.C.

The committee met, pursuant to notice, at 4:32 p.m., in room 5110, Dirksen Senate Office Building, Hon. William S. Cohen (acting chairman of the committee) presiding.

Present: Senator Cohen.

Staff present: Virginia Boylan, staff attorney; and Jean Streeter and John Mulkey, professional staff members.

Senator COHEN (acting chairman). The hearing of the Select Committee on Indian Affairs will come to order.

Ladies and gentlemen, to those of you who have been sitting here waiting patiently throughout the day, I offer my apologies. There is considerable activity on the floor which has detained Chairman Melcher, Senator DeConcini, and others from appearing here. The bells will ring again shortly, so we are going to try to proceed as expeditiously as possible so that you are not held over any longer.

We are meeting this afternoon to hear testimony on the implementation of Public Law 95-471, the Tribally Controlled Community Colleges Assistance Act of 1978. This bill was enacted into law in October 1978. The first year of funding was fiscal year 1980. That coincided with the 1978-80 academic year.

The select committee is interested in hearing from witnesses on the problems encountered in the first year, the expectations for next year, and any recommendations for changes that would improve the program that the witnesses would like to suggest.

Our first witness is Mr. Earl Barlow, Director of the Office of Indian Education Programs at the Bureau of Indian Affairs.

Mr. Barlow, I would suggest to you, although I do not see a written statement, if you have one it will be entered in full into the record following your oral testimony, and you can proceed to summarize the essence of that testimony.

STATEMENT OF EARL BARLOW, DIRECTOR, OFFICE OF INDIAN EDUCATION PROGRAMS, BUREAU OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR, ACCOMPANIED BY DWIGHT BILLEDEAUX, COORDINATOR FOR TRIBAL COLLEGES, BUREAU OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR

Mr. BARLOW. Mr. Chairman and members of the committee, I welcome the opportunity to appear today to discuss the Bureau's progress in implementing Public Law 95-471.

I would like to have my full statement entered into the record.

I would like to state that it is the policy of the Bureau in carrying out the functions of the Bureau to facilitate Indian control of Indian affairs in all matters relating to education. The Bureau has embarked on a very ambitious program to insure that this particular policy is indeed carried out in the implementation of this new law.

It is also a policy of the Bureau to support and encourage the establishment, operation, and improvement of tribally controlled community colleges to insure continued and expanded educational opportunities for Indian and Alaskan Native students.

I would like, Senator, to begin by introducing Mr. Dwight Billedeaux. Mr. Billedeaux is an education specialist with the Bureau of Indian Affairs. He was recently employed by the Bureau of Indian Affairs and his primary responsibility is the implementation of this particular law and carrying out the rules and regulations.

The Bureau of Indian Affairs encountered some initial problems in implementing this law but has completed 18 feasibility studies which are necessary for determining whether or not a tribally controlled community college is eligible for funding under this new act.

At the present time, of the 18 feasibility studies completed, 10 institutions have been given positive determinations, 4 have been given negative determinations, and 4 are in the process of being reviewed.

Also, the Bureau has completed the 19 facilities needs studies. They have been submitted to the Congress as required by law.

With those introductory remarks, Mr. Chairman, I will try to answer any questions that you might have.

Senator COHEN. Thank you, Mr. Barlow. Without objection, your entire statement will be included in the hearing record at this point.

[The prepared statement follows:]

PREPARED STATEMENT OF EARL BARLOW, DIRECTOR, OFFICE OF INDIAN EDUCATION PROGRAMS, BUREAU OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR

Mr. Chairman and members of the Committee, I welcome the opportunity to appear before you today to discuss the Bureau's progress in implementing Public Law 95-471, the Tribally Controlled Community College Assistance Act.

The Bureau began the implementation of this Act in January of 1979. At that time a task force was formed to write the rules and regulations to govern its implementation. The proposed rules were published in May and the final rules were published in November 1979. In July a memorandum of agreement was developed between the Bureau and the Department of Health, Education, and Welfare as mandated in the Act. Several meetings were held between representatives from these two agencies, and HEW provided a wealth of valuable technical assistance.

A Construction Needs Study was completed for Navajo Community College in July 1979 and submitted to Congress in August as required by the Act. An additional Facilities Needs Study for nineteen other colleges was completed in August. Also in August a workshop was held in Washington, D.C. which brought together some of the tribal college presidents, representatives from national Indian organizations, HEW and the BIA to develop a model for conducting the feasibility studies prescribed by the law. Subsequently, we met with the Office of Management and Budget (OMB). OMB requested further refinement of the model and the development of more specific guidelines for conducting the studies.

On January 18 we received final approval on the Feasibility Study Guidelines.

Due to the time limitations, we decided to contract the collection of data for the feasibility studies. The Bureau selected the American Indian Higher Education Consortium (AIHEC) as the contractor to facilitate the completion of nineteen studies requested by tribes chartering tribal colleges. The studies were conducted under close supervision of the Bureau with the guidelines provided by the Bureau

and approved by OMB. The first training session for the study consultants was held in Denver on February 28–29 of this year, and the feasibility studies began on March 2. The first determination was made on April 1 and the letter to inform the tribe of this determination was sent on April 8. To date, eighteen studies have been completed and one is underway this week. Ten schools have received positive determinations; four have received negative determinations; and four are in the process of review.

A grant agreement was developed in March and we began processing grant awards on April 29. For fiscal year 1980 we anticipate funding about eleven colleges. These grants range from approximately $103,000 to $834,000 and are based on a pro-rata factor of 73 percent funding or approximately $2,956 per Full-Time Equivalent students.

Public Law 95–471 also mandates that the Bureau provide training and technical assistance to tribally controlled community colleges. To this end the Bureau is negotiating a contract to provide this assistance. The colleges are presently formulating specific requests in these areas, and we are preparing now to facilitate these requests as quickly as possible.

Early this month my staff held a meeting in Denver with the colleges to discuss the status of the technical assistance, feasibility studies, operational grants, and the proposed schedule for fiscal year 1981. We anticipate having many more of these meetings as we work with the colleges, helping them to develop and meet the unique needs of the Indian people.

Although we are late in getting money out into the field this first year of implementation, we are pleased that so many issues have been resolved and that a process is now in place. We are confident that next year we will be able to provide operational grants and technical assistance to our tribal colleges in a timely and efficient manner.

This concludes my prepared statement and I will be pleased to answer any questions the Committee may have.

Senator COHEN. The staff has prepared a list of a number of issues to be raised to you. The first one pertains to the delay in funding. This act was passed on October 17, 1978. The first year of funding appropriations was for fiscal year 1980.

Despite more than adequate advance time that was granted to the Department of the Interior to prepare for the implementation of the act, it is our understanding that the first checks have only been received by the colleges in recent weeks.

For example, Blackfeet Community College received its first check last Friday, June 6, and its 1979–80 academic year is already over.

The question has been raised: What were the causes for the delay? You have touched upon the feasibility studies that are required, but the question is: Why the inordinate delay? Do you have some kind of time frame estimate for the fiscal 1981 year? We will be interested in that.

I think that we are going to want to have some sort of report from the Department as to what we can do—even with complying with the feasibility studies—to accelerate the process so that the community colleges have the funds prior to the beginning of the year rather than halfway through it.

Mr. BARLOW. There were a number of policy issues that were addressed by the Department when this particular piece of legislation came on line. One of the first endeavors of the Bureau was to establish a task force. We call it task force No. 12. It is made up of 10 Indian people throughout the United States, only 1 of whom was a Bureau of Indian Affairs employee.

The primary objective of task force No. 12 was to develop the rules and regulations for the act. From that time on we began to implement a number of other endeavors.

The task force was in session from January through July and published proposed rules and regulations in May 1979. The final rules and regulations were published in November 1979.

The BIA signed a memorandum agreement with the Department of Health, Education, and Welfare, as required, to assist us in developing the rules and regulations and in gearing up to implement the law.

Also, in July 1979, a construction needs study for Navajo Community College was completed. In August 1979 it was submitted to Congress.

In August 1979 a facilities needs study for 19 community colleges was also completed and submitted to Congress.

We began, in August 1979, to develop the feasibility study model. We had several meetings with college presidents and national Indian organizations to lend credence to our policy of involving the Indian people in these kinds of endeavors.

In August 1979, the feasibility model was distributed for comment. We got it back in October and began our discussions with the Office of Management and Budget, which had taken a great interest in the feasibility studies, to insure that we would consider only those colleges that were deemed to have the capability of surviving as full-fledged, tribally controlled community colleges.

Senator COHEN. Do you have to go through the process again in fiscal year 1981—that is, the same kind of feasibility studies?

Mr. BARLOW. No, sir. We will not. We have the feasibility model and everything is in order. The process will be greatly expedited.

Senator COHEN. Therefore, colleges that have been approved will not have to experience the same kind of delay.

Mr. BARLOW. That is correct, Senator. However, they will undergo a review to determine whether or not they have met the criteria and how they are functioning.

Senator COHEN. What do you intend to do in fiscal year 1981 for those colleges that did not receive approval? Will you do the same sort of feasibility study?

Mr. BARLOW. Yes; that is a requirement.

Senator COHEN. Would there be the same sort of time delay that was experienced in the past fiscal year?

Mr. BARLOW. No. I think the greater portion of the time was spent in drawing up a feasibility study model that was agreeable to the Office of Management and Budget. They have now signed off on it.

Senator COHEN. You anticipate no further delays other than the normal time that would be involved in conducting the study itself; is that correct?

Mr. BARLOW. That is correct.

Senator COHEN. The total budget request for 1981 is $8.3 million. Of this amount, about $2 million is set aside for the Navajo Community College. The rest has to be prorated over some 20 or more community colleges.

In other words, we have the Navajo Community College being guaranteed $4,000 per full-time-equivalent student, but the rest have to share in the remainder. The question that the committee would like to have answered is whether or not a separate line item would be

more appropriate for the Navajo Community College, since that college is treated separately under title II of the act.

Mr. BARLOW. The BIA, as well as the Navajo Community College, are certainly concerned about the drastic reduction of the request for fiscal year 1981 as compared to the fiscal year 1980 budget. I think the major reason for the reduction is that prior to 1981 the budget requests for the Navajo Community College were on the band analysis—the tribal council determined how much of its funding it proposed to allocate to this college and they did so.

Now, under this particular law, the law mandates that the Navajo Community College be allocated funding on the basis of full-time equivalent [FTE] students at the rate of $4,000.

I understood that it was going to be a line item for fiscal year 1981 but at a greatly reduced amount.

Senator COHEN. It is my understanding that funding is cut by two-thirds. Of the $6 million, $4 million have been cut. How is the college going to survive without some sort of separate line item appropriation?

Mr. BARLOW. We have some options that we are considering. Quite frankly, at this time, our best judgment tells us that perhaps the $4,000 per FTE is too low and that perhaps that could be considered for an increase.

Senator COHEN. What were the mechanics involved in arriving at the $8.3 million figure? Do you simply take the number of projected FTE students and calculate that at $4,000?

Mr. BARLOW. That is correct.

Senator COHEN. What happens if it comes out to less than $4,000 per FTE student? Do you then have to prorate it down?

Mr. BARLOW. Yes. However, in the case of the Navajo, they are guaranteed $4,000 per FTE, but for the other tribally controlled community colleges, if the funding is not adequate they will be prorated a decrease.

Senator COHEN. That means that the other 20 are at least going to run the risk of receiving less than $4,000.

Mr. BARLOW. Yes, sir. For the current year, based on the FTE's that we have at this time, it is going to be about $2,956 per FTE for fiscal year 1980, but for fiscal year 1981, on the basis of our projections, it is going to be about $2,201 per FTE.

Senator COHEN. I think you mentioned during your statement that it might require more than $4,000 per FTE.

Mr. BARLOW. For Navajo Community College, yes.

Senator COHEN. How much more?

Mr. BARLOW. We are doing some projections. The Bureau has three postsecondary schools that have been in operation for quite some time. It seems that about $6,000 per FTE is perhaps more realistic.

Senator COHEN. There is another issue concerning the three colleges which the staff has raised; Turtle Mountain, the Sinte Gleska, and the Oglala Sioux. These three institutions have been receiving funding from their respective tribes as a 638 priority included within the band.

However, earlier this year the BIA removed this source of funding from the band and should at least, I think, furnish the committee with

an explanation of the current status of this matter and of what the other tribes can expect if they choose to give priority funding support to their own community colleges in fiscal year 1982.

You do not have to do that now, but I think you should furnish it for the record.

Mr. BARLOW. Deputy Assistant Secretary for Indian Affairs, Rick Lavis, who has now left the Bureau's service, issued a directive that these three institutions were to be restored to the band in the amounts that they had banded through the zero-base budgeting process.

This information and request was prepared by Financial Management and was transmitted to the Congress. At this point in time I have no reason to question whether his directive is going to stand. However, I have been hearing rumors that there is some question as to whether or not his directive is going to be observed.

Senator COHEN. We would be interested in learning from you whether or not there are any changes that ought to be made in the act itself as far as the operational aspects are concerned. Are there things in the act which you believe are unnecessary or some which you think should be added?

Mr. BARLOW. One of the things we are concerned about is that the act does define what a full-time equivalent student is. For those of us who have followed the case of the Navajo Community College, we are concerned that perhaps the full-time equivalent definition should be changed.

If you were to review all 50 States, Mr. Chairman, you would find that, I think, all 50 have a different way of defining a full-time equivalent student. I think the key here is to be consistent.

We would like to review that and ask the Congress to review that.

Also, the law mandates that the student count be done during the sixth week of an academic term. The tribally controlled community college people, as well as the Navajo Community College administrators, inform us that because of the nature of the service provided by the community colleges many of the students come in after the sixth week. Therefore, they lose many of the part-time equivalent students for counting.

We think we should look at that.

Also we are looking into the issue of eligibility of a college for funding versus the feasibility. The law does require that in order to be eligible for funding the college must undergo a feasibility study. We have some very serious concerns that maybe we should eliminate the feasibility aspect and go with the eligibility kind of concept.

Those are the major issues that we perceive.

Senator COHEN. What progress has been made in the area of accreditation of the colleges? What do you project for the future?

Mr. BARLOW. One of the criteria for feasibility is that it be an accredited institution or a candidate for accreditation, or its credits must be accepted by three accredited institutions. Each of the 10 schools that have been deemed feasible has either been accredited or has been approved as a candidate for accreditation.

One of the issues that we have looked at is that perhaps the nature of these institutions and the services they perform suggests that perhaps we should have a different kind of accreditation association for these institutions.

Senator COHEN. When you say 10 have either been accredited or are in the process of accreditation, what is the prospect for the others?

Mr. BARLOW. I think it is excellent, except we are still bothered with one aspect of the law. We have funds for technical assistance. Our idea was that these funds would be used to assist colleges that were having some problems with either accreditation or candidacy, but the ruling was made that in order to be eligible for technical assistance grants the institution has to be feasible.

It put us in a predicament. The schools that really need technical assistance are not feasible and therefore cannot get technical assistance. That is a major problem.

Senator COHEN. You are aware that Senator Melcher introduced a bill which did receive the approval of the Senate in January 1980 and is now pending on the House side. In your judgment, would that correct this particular problem?

Mr. BARLOW. Yes. As I recall, when we testified we recommended language that would correct the situation.

Senator COHEN. Some reports have been received which indicate that because of the availability of funding under Public Law 95-471 other sources of revenue are drying up. The act clearly states that the availability of 471 funds shall not affect eligibility for other Federal program moneys, specifically, title III of the Higher Education Act.

The committee would like to have some information concerning the current status of the title III funding both from the point of view of the colleges and organizations and also from that of the BIA.

Mr. BARLOW. We would be glad to furnish that for the record. It is regrettable that as 471 came online and we began funding these institutions, they did lose some of their previous funding.

[Subsequent to the hearing the following information was received for the record.]

The Committee would like to have some information concerning the current status of Title III funding, from the point of view of the colleges and organizations and also from that of the Bureau.

Currently, twelve Indian institutions are receiving Title III funding. The amounts going to these twelve, including the American Indian Higher Education Consortium (AIHEC) office, totals $2,000,000. This is the amount we have identified as going to Indian institutions.

According to a GAO report, approximately eight percent of the $52 million appropriated for the basic program went to Indian institutions or institutions that serve a predominantly ethnic or racial population; that is Indian. For fiscal year 1981, six (6) American Indian Higher Education institutions will receive Title III funding. The national Indian organization, AIHEC, has not been funded. AIHEC is an important organization, and it is important for them to remain as a functioning organization. Without their assistance, it will be difficult for these tribally controlled community colleges to survive.

The Bureau notes the decline of Indian colleges funding support by Title III with regret, because the intent of Public Law 95-471 was not to decrease funding nor eliminate it all together, by other government funding agencies.

Senator COHEN. There are four sections of title I of Public Law 95-471 that require reports by the Secretary to the Congress—sections 106, 107, 111, and 112—in addition to the promulgation of the rules and regulations. What is the status of these reports? Do you think they can be combined and how do you think we can minimize the load?

Mr. BILLEDEAUX. The information we have developed is an instrument for the colleges to present us with materials as they are going

through the process for approval. Eventually they will go to OMB for their approval. This will be mailed out to the colleges.

What we are asking is for verification and a report of statistics—financial, FTE, philosophy, and any additions or changes in their goals and objectives. We are trying to keep from being redundant and not ask the same questions or for the same kinds of material that have already been asked for in the feasibility studies.

[Subsequent to the hearing the following information was received for the record:]

The answer to Senator Cohen's question was incomplete. In addition to Mr. Billedeaux's answer it should have read as follows:

Section 106(c). The Secretary shall report to Congress on January 15 of each year the current status of tribally controlled community colleges and his recommendations for needed action.

This material has already been gathered from the feasibility studies and will not have to be reported again. In the future this report will be a matter of updating.

Section 107(2). The Secretary shall, in consultation with the National Center for Education Statistics, establish a data collection system for the purpose of obtaining accurate information with respect to the needs and costs of operation and maintenance of tribally controlled community colleges. The Secretary shall report annually to the Congress on such needs.

This information can be gathered from our recent feasibility studies and the colleges' annual report. This can be accomplished by the tribally controlled community college staff until such a time that the Indian college growth becomes much larger.

REPORT ON CURRENT FACILITIES

Section 111. The Secretary shall, not later than ninety days after the date of enactment of this Act, prepare and submit a report to the Congress containing a survey of existing and planned physical facilities of tribally controlled community colleges, including in his report a survey of Bureau of Indian Affairs existing and planned facilities which may be used for tribally controlled community colleges without disruption of current Bureau programs.

Thus far, a survey of existing and planned physical facilities of all tribally controlled community colleges has been completed and a report is being prepared.

STUDY OF FACILITIES NEEDS

Section 112. The Secretary shall conduct a detailed survey and study of the academic facilities needs of tribally controlled community colleges and shall report to the Congress not later than November 1, 1979, the results of such survey and study. Such report shall include any recommendations or views submitted by the governing body of any such college and by the governing body of the tribe, and shall include detailed recommendations by the Secretary as to the number, type, and cost of academic facilities which are required, ranking each such required facility by relative need.

This survey has been completed and a report is being prepared.

Senator COHEN. The only reason I raise the question is that so many people are currently concerned about overregulation by the Federal Government. I came back from a rather extensive hearing held in my State of Maine concerning problems confronting the rural elderly. One of the most significant complaints that I received from, not only those who are on the receiving end of aid, but from those who have to administer programs throughout the country, is the stack of regulations and paperwork that they have to fill out which, in effect, takes most of their time so that they are unable to provide the services.

I raised the question as to whether or not some of these reports can be combined. Can we reduce the amount of paperwork with which one must comply?

Mr. BARLOW. We take that as an excellent recommendation, Mr. *Chairman.*

While we were waiting for the hearing to begin we had a very productive meeting with a representative of the tribally controlled community colleges and Navajo Community College. I think if there was one issue that we agreed upon it was that we would keep whitetape to a minimum.

Senator COHEN. The point is well taken. I did not know I had characterized it in terms of tape.

Thank you very much.

Mr. BARLOW. Thank you, Mr. Chairman. We really appreciate your finding time to conduct this hearing.

Senator COHEN. Our next witness will be Mr. Leroy Clifford, the executive director of the American Indian Higher Education Consortium of Denver.

STATEMENT OF LEROY CLIFFORD, EXECUTIVE DIRECTOR, AMERICAN INDIAN HIGHER EDUCATION CONSORTIUM, DENVER, COLO.

Mr. CLIFFORD. Mr. Chairman, I am Leroy Clifford, the executive director of the American Indian Higher Education Consortium, which is based in Denver, Colo.

Senator COHEN. Mr. Clifford, prior to beginning your statement, will you just identify those who are seated to your right and left.

Mr. CLIFFORD. Yes. I have in my outline here the introductions of the college representatives. I would like to introduce, on my far right, Mr. Ted Rowland, president of Dull Knife Memorial College at Lame Deer, Mont.; on his left, Mr. Carty Menette, who is the president of Turtle Mountain Community College at Belcourt, N. Dak. On my left is Mr. Elgin Badwound, president of the Oglala Sioux Community College at Pine Ridge, S. Dak. On his left is President Dean Jackson of the Navajo Community College in Arizona; and on his left is Marlene Salway who is representing Miss Carol Juneau, who is the president of Blackfeet Community College at Browning, Mont.

Senator COHEN. Thank you.

Mr. CLIFFORD. First of all, I would like to express my appreciation for the invitation to come before your prestigious committee to present remarks.

I would like to point out that at the present time the American Indian Higher Education Consortium has 17-member institutions. Ten of those institutions, or a majority, are fully accredited as 2-year community or junior colleges, and we have eight which are candidates for accreditation.

We expect that between now and September 30 the remaining membership will be moving rapidly toward applying for candidacy with their respective accreditation associations.

We know that often the Bureau of Indian Affairs gets beaten over the head for what they have not done, but I would like to express some thanks to Mr. Earl Barlow, Bonnie Paquin, and Dwight Billedeaux, with whom we have been working to try to expedite the implementation of the program for this year. We know it is late. We are quite upset about it.

On the other hand, these three individuals have taken the leadership in working with us so that we can get the operational grant moneys out as well as the technical assistance moneys.

As you know, there are a lot of problems, regulatory as well as legislative, that will have to be addressed in the reauthorization.

Very quickly, some areas of concern that I have, which have already been touched upon by Mr. Barlow, are the policy considerations contained in the legislation which are causing bottlenecks, such as the definition of Indian. The Affiliated Tribes of the Northwest passed a resolution a couple of years ago calling for an amendment to amend the definition of Indian to read: An Indian is a member of an Indian tribe and is eligible to receive services from the Secretary of the Interior.

Our task force No. 12, which developed the rules and regulations, based on recommendations from the tribes that have colleges, as well as the American Indian Higher Education Consortium, recommended that the definition of Indian be changed.

In Senator Melcher's amendment to S. 1855, there is the proposal to change that definition.

That is a problem. It is a problem because in some instances you may have an individual that is one-fourth Sioux, one-fourth Choctaw, one-fourth Cherokee, and one-fourth Osage. If those particular tribes have a blood quantum of one-half, even though that individual is biologically four-fourths Indian, based on the existing definition of Indian, that individual would have to be a member of a tribe and eligible to receive services. That would create problems.

However, since there is an ongoing study of a definition of Indian being conducted by the Department of Education, the American Indian Higher Education Consortium [AIHEC] board of directors has decided not to push forward with that change until after the study is completed.

In addition to that, as you know, the definition of an institution of higher education has caused problems as it relates to eligibility for technical assistance. That has been discussed by Mr. Barlow.

We feel that that definition should be, or the definition of the tribally controlled community colleges should be, modified to allow those schools which are not determined feasible to be eligible for technical assistance. We fought very hard on the Senate side last year to get the $600,000 for technical assistance. Then we found out from the Bureau of Indian Affairs that institutions that are not determined feasible this year will not be eligible for technical assistance. That places those institutions in a real bad financial bind.

As you know, the definition of full-time equivalent, as contained in the legislation, is also problematic in that it only allows institutions to include seven units, or seven credit hours, for full-time students in the calculation of full-time equivalent, so that if you have a student who is taking 18, the excess 6 hours cannot be included in calculating that institution's full-time equivalent figure for that particular year. It penalizes the institution and does not allow them to derive the revenue to support these institutions in the rural areas in which they are located.

The feasibility study requirement. In getting the legislation through Congress, that particular requirement was put in by the

administration. It was to serve as a regulator of institutions getting into the business of higher education. It is our feeling that the tribal colleges have to undergo the rigorous scrutiny of the accreditation review process and that since that scrutiny is by other colleague institutions and is very rigorous, our institutions should not have to undergo another feasibility study or, in effect, another review.

The review of the accreditation association should be accepted as prima facie evidence of feasibility. This is something that we could address in the reauthorization.

I would like to very quickly talk about our title III situation for next year. According to title III officials, we have nine members of our consortium which will not be funded under title III. That is about 60 percent fewer AIHEC member institutions that will not be funded next year.

We had 15 institutions apply for funding under that discretionary grant program and only 6 of them will receive funding based upon notifications from their congressional delegations. I might point out that the American Indian Higher Education Consortium, of which I am the director, which provides advocacy, training, and technical assistance to these institutions that belong to our consortium, has been wiped out completely from the title III program for fiscal year 1981.

When we look at other consortiums, such as non-Indian and minority consortiums such as blacks, Chicanos, and other groups, we find that they have been funded at reduced levels, but in the case of American Indians, especially the American Indian Higher Education Consortium, they have wiped us out completely and there is no other Indian consortium similar to ours to which these colleges that have been determined to be not feasible can turn for training and technical assistance.

I might point out that we have received a legal opinion from our legal counsel to the effect that the Commissioner of Education or his successor may have violated their own title III rules and regulations governing the grantee selection process for fiscal year 1981. We are looking into the matter further to try to determine whether or not that in fact did happen. In addition to that, a national campaign has been launched to try to get support from Indian tribes and Indian organizations to ask the Congress, both House and Senate, to explore this particular matter to determine whether or not the Commissioner did in fact violate title III rules and regulations, and also to try to find out if the negative decisions might be so damaging as to constitute a violation of section 108 of Public Law 95–471, which you read in your statement.

Another problem relates to regulations and has to do with the Senate's version of the title III reauthorization. One of the eligibility criteria that is included in there sets a criterion that says that an eligible institution must have at least 100 full-time equivalent but not over 8,000. I think it is important to keep in mind that our institutions are small. They are probably the only truly developing, struggling institutions in this country.

Yet, the Senate is considering the establishment of a minimum amount of full-time equivalent that have to be available or in place in order to be eligible for title III. I think that is discriminatory and

I think there should be some specific waiver for tribally controlled community colleges which have less than 100 full-time equivalent but are functioning, viable, and service the need in their respective communities.

The next area has to do with Public Law 95–40, which is the Commissioner of Education's 1-percent set-aside program. It is a contract program for Indian tribes and Indian organizations to allow them to develop vocational education programs that relate to the overall energy and natural resource programs that are beginning to develop on reservations.

The law mandates that the Bureau of Indian Affairs was to match the 1-percent set-aside. In the last 2 fiscal years, the Bureau of Indian Affairs has come back to Congress and requested a waiver so that they would not have to come up with the matching portion.

The Department of Education has come up with its portion and has been administering this program. Many of our tribal colleges are receiving funds from DOE under this particular legislation.

The disturbing thing is that, on the one hand, the Congress is supposed to be concerned with making sure that the Federal agencies carry out the policies of Congress. This legislation mandates that the Bureau come up with these moneys, yet the Bureau turns around, comes back, and gets a waiver so they will not have to come up with the moneys. It seems to me that there is some inconsistency there in terms of whether or not the Bureau is committed to the program and whether or not their commitment is such that they are willing to put the moneys into it.

With that, we are recommending under those three areas the following things: That the definition of tribally controlled community college and the definition of full-time equivalent be modified in the reauthorization process. We are recommending that the feasibility study requirement be eliminated, in that the accreditation association is the vehicle in this country to grant accreditation recognition to institutions. Our institutions should not have to go through that process twice. We are recommending that your committee support the restoration of tribally budgeted Snyder Act moneys to the tribal budgets, the tribal bands, for Sinte Gleska, Oglala Sioux, and Turtle Mountain Community Colleges.

We are also asking your committee to consider a forward funding mechanism so that the institutions can have the funds available to them in September when school starts. The way it is set up right now, the Bureau of Indian Affairs does not have a forward funding mechanism so that they can get moneys out to the schools so that they can open up classes in September. Rather, the schools would have to wait until October 1, when the subsequent fiscal year moneys would be available for operation. There needs to be something done in that area.

We are recommending that the BIA request additional contract support moneys specifically for the 95–471 band program, and under 95–40 we are recommending that the Senate Select Committee support the continuation of this program, which is coming up for reauthorization next year, and encourage the Bureau of Indian Affairs to request funds necessary to comply with the mandates of Congress.

We are also asking that a waiver be inserted in the Senate version of the reauthorization of the Higher Education Act, which provides for a waiver of the minimum of 100 full-time equivalent for our community colleges.

Senator COHEN. Will you please go over one point you made—I was not clear about it—that is, your feeling that the BIA has a lack of commitment when the Congress mandates them to come forward with a study, as I recall, and they then apply for a waiver, all of which shows a lack of commitment on their part.

Mr. CLIFFORD. There are more problems with that. It appears that there was some real paranoia that was generated as a result of the proposed transfer of BIA education programs that is still prevalent in all of us. I think that is influencing the fact that on one hand the tribes have gone on record in the past—National Congress of American Indians has gone on record—supporting that program; that is, the 1-percent setaside program.

Then when you get down to the administration of the program, we find that the Department of Education is responsible for administering that program, so the Bureau is reluctant to request the moneys. I think OMB is probably preventing the Bureau from requesting the moneys which would have to be transferred to the Department of Education for administration.

I think what really needs to be looked at by the Bureau and DOE is a way to administer that program, even if it means transferring DOE moneys to the Bureau of Indian Affairs and letting the Bureau administer the program.

Now we are really hamstrung because we are hassling over who should administer the program.

Senator COHEN. Would you say you have less paranoia now in terms of transfer programs than, let us say, from BIA over to DOE?

Mr. CLIFFORD. I beg your pardon?

Senator COHEN. I think you said that you have less paranoia about—there was some paranoia about the transfer of programs under the jurisdiction of BIA over to DOE. Did you not say that just a minute ago?

Mr. CLIFFORD. The paranoia is influencing this particular problem.

Senator COHEN. Do you share that paranoia?

Mr. CLIFFORD. Yes; I do, very much so. The reason I do is because for next year title III has cut us completely out of that budget. They have eliminated probably 10 or more of our institutions. If that is any indication of the type of treatment that tribally controlled community colleges are going to get from DOE, then I shudder to think what would happen if they transferred all BIA education programs over to the Department of Education.

Senator COHEN. I did not support the creation of the Department of Education, so I cannot help you on that one.

Mr. CLIFFORD. That concludes my remarks.

Senator COHEN. Thank you very much, Mr. Clifford.

Without objection, your full statement will be included in the hearing record at this point.

[The prepared statement follows:]

PREPARED STATEMENT OF LEROY V. CLIFFORD, EXECUTIVE DIRECTOR, AMERICAN INDIAN HIGHER EDUCATION CONSORTIUM

INTRODUCTION

Mr. Chairman, I would like to express my appreciation for this opportunity to appear before your distinguished committee to testify on behalf of the American Indian Higher Education Consortium.

As you are aware, the American Indian Higher Education Consortium currently consists of 17 Tribally Controlled Community Colleges located throughout the United States. Four of these Tribal Colleges are located in the great State of Montana. The remaining 13 Indian community colleges are located in North Dakota, South Dakota, Nebraska, Alaska, California, and Arizona. These Tribally Controlled Community Colleges help to bridge the gap between the local Indian culture and that of mainstream America. Indian cultures themselves are undergoing rapid changes as they challenge and are challenged by competing ideas and contracts. As such these colleges are serving as buffering inter-face between abrasive features of Indian and non-Indian world views. Tribally Controlled Community Colleges, of course, serve the same general purposes as do non-Indian community colleges. They provide easier access to postsecondary education to the less advantaged. Community colleges offer courses which lead to a 2-year as well as 4-year degree objective. Other courses of study are also offered which are more directly job or occupation oriented. Many kinds of 2-year vocational programs leading to employment in crafts and trades are commonly available.

The primary focus of the consortium is to provide an organizational structure through which its member institutions can help one another, and more broadly, to improve postsecondary education for American Indians and Alaskan Natives. The purpose of the organization is to promote, foster, and implement programs leading to the overall improvement of postsecondary educational institutions controlled and operated by American Indian tribes.

These institutions are authorized and chartered by the Tribes, and represent a new dimension in the quest of American Indian Tribes for more control over those elements affecting their everyday lives. Within these parameters, AIHEC has developed a service-oriented program, aimed at enhancement of the development of the tribal colleges. Funding under title III of the Higher Education Act of 1965, as amended, has allowed AIHEC staff to provide training and technical assistance to the member colleges in the areas of accreditation, financial and institutional resources, and human resources development. Additionally, AIHEC has conducted research projects for the Old West Regional Commission, the Ford Foundation, and the Bureau of Indian Affairs on the institutional needs of the Tribally Controlled Community Colleges.

At this point, I would like to make several comments concerning the Tribally Controlled Community College program. As you know, the tribal colleges devise funding from various Federal programs i.e. title III of the Higher Education Act of 1965, as amended; Public Law 95-471, the "Tribally Controlled Community College Assistance Act of 1978"; Title II of the Educational Amendments of 1976, Public Law 94-482—The Commissioner's Discretionary Programs under Program Improvement and Contract Vocational Education Program for Indian Tribes.

Each of these important funding sources have given rise to a number of areas of concern. These concerns result from inconsistencies within the respective administering agency's policies and procedures and create unnecessary difficulty in implementation of the acts. Some of the problems arise from the specific provisions contained in authorizing legislation itself.

PUBLIC LAW 95-471, THE TRIBALLY CONTROLLED COMMUNITY COLLEGE ASSISTANCE ACT OF 1978

One problem area of the act is in the definitions section. The first definition causing problems is that of "Indian" which limits the benefits of the act to persons who are both members of (an) Indian tribe(s) and eligible to receive services from the Secretary of the Interior. Since the Higher Education Scholarship Program is available on the basis of blood quanta, and since the funding for tribal colleges has traditionally been intermixed with the Scholarship program's funding (and indeed justified as a means of "stretching" scholarship dollars), it would appear more consistent to allow eligibility to extend to tribal member or those who are eligible for Interior services.

The second problem definition is that of "institution of higher education" which defines a college as one which has formal accreditation status. The legislative history of the act reflects attention to the problems of those colleges that have such status as well as those who are in a more primitive stage of development. Early in the hearing records there is reference to the "Catch 22" situation of developing tribal colleges which need a funding base to be eligible for accreditation, yet must be accredited to be eligible for a funding base. The structure of the act (but not the language) allows for operating grants and technical assist-

ance, which would logically lend itself to provide assistance in the form of operating grants to colleges with a "track record" and the technical assistance to those who need planning and development assistance.

The third definition creating concern is that of "Full-Time Equivalent Indian Student" which encourages Indian students to remain in college longer, and thus require Bureau support for a longer period of time, and ultimately the expenditure of more funds. The definition allows colleges to register the impact of all credits earned by part-time students (Part-Time Credit Hours Generated Per Term/12), but only allows colleges to register the impact of the first 12 credit hours generated by the full-time students. For example, all 18 credits earned by 3 part-time students each taking 6 credits (3x6/12) would be counted; however, only 12 credit hours would be counted if 18 credits were being taken by a full-time student (fulltime=enrolled for 12 or more credits). Stated another way, if a college encouraged students to take greater than the minimum credit load, and thus graduate sooner saving the Bureau support dollars, that college would be penalized by losing $333.33 for every credit over the minimum load taken. Ironically the Higher Education Scholarship program encourages the reverse.

Feasibility studies

The implementation of the feasibility study provisions of the Act surfaced another "Catch 22" situation. The term "feasible" is defined by Webster's as "capable of being done or carried out [a plan]; synonymous with reasonable, likely, possible." Traditionally formal accreditation status has been only available to colleges which have demonstrated feasibility. Yet the feasibility guidelines at the insistence of OMB insist on only studying extensively colleges which have already been in receipt of formal accreditation status; clearly considering any institutions which are planned, reasonable, likely, or possible, as not "feasible" since they do not have accreditation status!

Technical assistance

The act provides for the Bureau to provide or seek to provide on behalf of the tribal colleges via contract technical assistance. Two problems result from this method of implementation. First, the Bureau is placed in the position of negotiating a third party contract—since the act does not provide for a grant to the college, to seek technical assistance. Secondly, the technical assistance authorized can only be made available to colleges which—you guessed it—are in formal accreditation status!

Funding provisions

In fiscal year 1980 the Bureau budget request for 4 tribally controlled colleges totaled $7 million; in fiscal year 1981 the Bureau Budget Request for 15 tribally controlled colleges is $8 million. In fiscal year 1980, three of the tribally controlled colleges gained the funds reflected in the request by persuading their tribes to take austerity measures and divert local tribal budgetary funds to the local colleges. In fiscal year 1981 (without even thanking the 3 tribes involved) the Bureau is making these band-created funds available to all other tribal colleges. Putting aside for a moment the inequity of the foregoing, is it reasonable to request a 13 percent increase ($7 million to $8 million) when there may be a 375 percent increase in eligible colleges? Is it reasonable to face individual tribal colleges with funding cutbacks ranging from $4 million to $100,000; while claiming that Bureau-operated colleges need to "phase-in" to eventually approach the $4,000/per student cost factor? (Currently 3 tribal colleges are eligible for both their portion of the $7 million Bureau budget request and the $5 million add-on appropriated by Congress for Public Law 95–471). Apparently, the Bureau of Indian Affairs appears to support the at least questionable policies of: a. penalizing tribes which seek to apply austerity measures to their local budgets, and b. encouraging budgetary instability at individual tribal colleges by providing for wild fluctuation in the basic operating budgets, at NCC, Sinte Gleska, Oglala, and Turtle Mountain colleges.

Wild fluctuations are not only encouraged on a year to year basis, in the act, but also within the year. There is no forward funding provision in the appropriations for the act. Since the act provides that funding shall be on the basis of expenditures for an academic year, there will be no funds available for September, the beginning month of the new academic year—since appropriations begin October 1. Thus, every college depending upon funds from Public Law 95–471 can look forward to a "dry September," and the implication that the Bureau is encouraging the instability in funding that the act purportedly seeks to remedy.

RECOMMENDATIONS

1. Seek to change the necessary definitions to make the act consistent with other higher education services; and to allow for funds to both "developing" and "operating" colleges.

2. Accept receipt of formal status for accreditation as "prima facie" evidence of "feasibility."

3. Restore tribally-budgeted funds to the Turtle Mountain Chippewa, Rosebud Sioux, and Oglala Sioux tribes that were expropriated for use by other tribes.

4. Seek a "forward-funding" amendment in the act's appropriations to funds to be used in September.

5. Formalize a policy of phase-in similar to that utilized in implementing Public Law 95-561 to enable all colleges currently receiving Bureau support to sustain increases/decreases in a manageably responsible fashion.

Indian vocational education program concerns

On June 3, 1977, Public Law 95-40 was signed into law by the President of the United States. This act makes several technical and miscellaneous amendments to provisions relating to vocational education contained in title II of the Education Amendments of 1976 Public Law 94-482. As a result of the enactment of these technical amendments, certain revisions have been made to these final regulations. One of those provisions is in the Federal Register; part 105, the Commissioner's Discretionary Programs under Program Improvement and Contract Programs for Indian Tribes. It states the Commissioner will enter into contracts with Indian tribal organizations at the request of Indian tribes to plan, conduct and administer programs which are consistent with the act and regulations. The amount of monies authorized to administer this portion of the act which is called the "1 percent Set-aside for Indian Tribes."

The Commissioner (HEW) has made available $5,218,476 for fiscal years 1978-79 which 20 Indian proposals were funded, out of a total 76 proposals that were submitted to the U.S. Office of Education. Nineteen of those proposals were multi-year grants (3 years). The second grant year included 11 new multi-year funded programs which included 2- to 3-year programs. The third funding year will include three new additional programs under the Commissioners 1 percent set-aside program.

As you well know the National American Indian Task Force for Vocational Education and the American Indian Higher Eduction Consortium and other National Indian Organizations such as NCAI, NIEA, NACIE and other including various tribes and individuals has been seeking ways in which to get the Bureau of Indian Affairs to be more responsive and supportive to American Indians as they begin to plan, develop, and implement vocational education programs on their respective Indian reservations. To date various resolutions have been proposed, passed and supported to get the BIA to match the Commissioners (DHEW-USOE) 1 percent set-aside funds for vocational education programs.

The issue being discussed here concerns the immense Vocational Education needs for Indian tribes throughout the country. The Indian unemployment rate on Indian reservations remains at an all time high, and this concerns us greatly.

The Bureau of Indian Affairs has not adequately given this issue the priority it deserves. This is evident by the fact that the Bureau of Indian Affairs has not to date matched the Commissioner's (DHEW-USOE) 1 percent set-aside monies for fiscal year 1979-80. To date, no clear explanation has been made to Indian country regarding this issue.

This particular issue has been dealt with at the National Congress of American Indians' 35th Annual Convention in Rapid City, S. Dak. and at the National Indian Education Association (NIEA) Convention held at Niagara Falls, N.Y., and again at the NIEA Convention held in Denver, Colo. in December, 1979.

Resolutions regarding the issues being discussed here have been developed and supported and passed by the NIEA and other national Indian organizations efforts to get the BIA to respond to the Vocational Education Amendments of 1976, Public Law 94-482, have been unsuccessful. The Bureau of Indian Affairs has once again failed the Indians.

Certain strategies are still continuing by members of Indian tribes and organizations to see that the BIA actively seeks an appropriation over and above their present operational budgets to match the 1 percent set-aside including the subsequent years beginning immediately and which may include annual escalating increases to match the Commissioner's 1 percent set-aside.

RECOMMENDATION

It is our recommendation that the Senate Select Committee on Indian Affairs support the continuation of the 1 percent set-aside for Indian Tribes and organizations, and strongly encourage the BIA to request the funds necessary to comply with the legislation.

TITLE III OF THE HIGHER EDUCATION ACT OF 1965, AS AMENDED

We appreciate the subcommittee's efforts in passing the Tribally Controlled Community College Assistance Act this past year. Hopefully, that act will allow us and our colleges to rely on title III more so for supplemental services as it is intended and less for what we have initially had to rely upon it, for which is basic support.

I would like to make several comments concerning various aspects of this strengthening developing institutions program. Currently, only 12 of our institutions receive title III funding. The amounts going to these 12, and including funding for the consortium office, totals to only $2,000,000. That is the amount we have identified as going to Indian institutions.

According to the GAO report, approximately 8 percent of the $52 million appropriated for the basic program went to Indian institutions, or institutions that serve a predominantly ethnic or racial population; that is, Indian. Next year only six AIHEC institutions will receive title III funding and AIHEC has been eliminated completely.

We would recommend that there be a closer monitoring of the monies going to Indian institutions. We feel that most of these monies are going to non-Indian institutions. These may serve Indian students in the form of an Indian studies program, or an Indian services program, but these are not Indian institutions and thus do not reach as deep into the areas of greatest need. Along the same lines, there are certain problems that are encountered by our institutions that are endemic also to rural institutions.

We feel that special criteria should be considered in making grants to these colleges in that factors such as isolation, the distance from supply centers, and inadequate travel systems at Indian reservations, severely affect rising costs among our colleges.

We also recommend that Congress schedule "special oversight hearings" to determine whether or not the denial of title III funding to a majority of AIHEC colleges as well as to AIHEC will be so damaging as to constitute a violation of Public Law 95–471, section 108, and a major setback for the overall Tribally Controlled Community College program as mandated by Public Law 93–638 and Public Law 95–471.

Some members of the title II staff do not understand those immense distances and subsequent problems which are encountered by our institutions. We recommend that Title III staff visit our institutions on a regular basis to more closely understand those types of factors.

Another concern deals with the BEOG award per FTE student point system criteria used in determining eligibility for title III assistance. This affects some of our institutions negatively in that while the institutions may be eligible for BEOG, or the students may be eligible for BEOG, they however rely primarily upon the Bureau of Indian Affairs scholarship assistance program. There is a concern among a lot of the Indian people in that we should consider the BIA scholarship assistance as basic support, and not as supplemental to BEOG, although that is the latest policy in the Bureau of Indian Affairs.

Finally, consistent with the concept of tribal sovereignty, we would feel that, as outlined by treaty, Excutive order and by Public Law 93–638, that the title III program and the Office of Education should make every effort to deal with tribes on a government-to-government basis.

As I said before, the consortium colleges are tribally chartered institutions and, as such, are legally authorized by their tribes. The eligibility provision for legal authorization as an institution of higher education should reflect the recognized right of Indian tribes to develop and determine their own education programs regardless of State authorization.

In conclusion, I would like to express our support for the continuation of the strengthening developing institutions program, and further, to express our appreciation for this opportunity.

Senator COHEN. Are there others at the table who would like to make statements supplementing what has been said?

[General response of yes.]

I am not going to ask a series of questions because I am sure the bells are going to ring shortly and I want to give each of you a chance to make a presentation to the committee.

We have one other witness who will be following this panel, so if you do have statements, if you could keep them as short as you can and perhaps furnish the committee with a full statement, it will be appreciated so that we can fit everybody in today.

STATEMENT OF GERALD CARTY MENETTE, PRESIDENT, TURTLE MOUNTAIN COMMUNITY COLLEGE

Mr. MENETTE. Thank you, Mr. Chairman. I am Gerald Menette, president of the Turtle Mountain Community College in North Dakota.

I do not have a prepared written statement, but Mr. Clifford asked me to speak on one concern that some of the schools have. That relates to the need for additional contract support for indirect cost for the economic years of 1980, 1981, and 1982.

In the legislation indirect cost was not allowed for. The committee is aware of the indirect cost process and is aware of the trouble that an organization can find itself in once it has an approved indirect cost rate and, for some reason or another, cannot collect indirect costs from programs. The result is imminent bankruptcy.

I am requesting support in allowing for some indirect cost moneys in the next appropriation. Thank you.

STATEMENT OF ELGIN BADWOUND, PRESIDENT, OGLALA SIOUX COMMUNITY COLLEGE

Mr. BADWOUND. I have official testimony that I want to submit for the record.

Senator COHEN. Will you state your name.

Mr. BADWOUND. My name is Elgin Badwound. I am president of Oglala Sioux Community College on the Pine Ridge Reservation in South Dakota.

Due to the time element, I will summarize the issue and then I can speak to any questions that you may have. The issue that I would like to speak to has been mentioned previously. It concerns funding that three Indian community colleges received prior to the implementation of Public Law 95-471. These colleges are Oglala Sioux Community College—my own college—the Sinte Gleska Community College in Rosebud, S. Dak., and Turtle Mountain Community College in Belcourt, N. Dak.

These three community colleges historically had received operational funding support from their respective tribes through the 638 contracts through the BIA band process in various amounts of operating costs. With the enactment of Public Law 95-471, the BIA unilaterally removed those operation funds from the Bureau budget, in essence wiping out those operational funds.

This decision was taken totally without the sanction of, or consultation with, the tribes or the community colleges.

In fact, we feel that the Bureau's removal of these funds violates not only Public Law 95-471, which specifically states that funding from other sources cannot be removed because of a community college's eligibility for funds under Public Law 95-471, but it is also contrary to the spirit and intent of Public Law 93-638, the Indian Self-Determination Act.

We are therefore concerned that this decision has been made and up to this point, at least, is being allowed to stand.

We are asking the subcommittee to help us in restoring these funds for 1981 and thereafter until such time as the tribes themselves decide to use this money in another fashion.

More specifically, we would like this money to be restored in part A of the Bureau budget—that is, at the tribal level. Again, we would like to ask the committee for assistance in this matter.

That concludes my remarks. If you have any questions I would be happy to answer them.

I might also add that I have additional information that I would like to submit for the record.

Senator COHEN. Without objection, your statement will be entered into the record with the additional material.

[The prepared statement of Elgin Badwound and accompanying material follow. Testimony resumes on p. 33.]

PREPARED STATEMENT OF ELGIN BADWOUND, PRESIDENT, OGLALA SIOUX COMMUNITY COLLEGE

Mr. Chairman and members of the Select Committee on Indian Affairs, my name is Elgin Badwound, and I am President of the Oglala Sioux Community College, which is located on the Pine Ridge Reservation in South Dakota. I would like to thank you for the opportunity to speak to you this morning on behalf of tribally controlled community colleges.

I am here representing the views of the Oglala Sioux Community College, as well as the Sinte Gleska Community College of Rosebud, South Dakota, and the Turtle Mountain Community College of Belcourt, North Dakota. I request that my testimony and all attachments thereto be included in the hearing record and that the representatives of the other colleges be permitted to offer remarks after the completion of my statement.

Mr. Chairman, the Oglala Sioux Community College has operated a highly successful community college program on the Pine Ridge Reservation for the past decade. Funding, over the past several years, has been received from the higher education operation and support funds available under Public Law 93-638, the Indian Self-Determination Act. Under this process, the Oglala Sioux Tribe designates a portion of its tribal allocation to its own community college. In this manner, the tribe has been able to give higher education a high priority and to see that the College receives funding worthy of its importance.

With the enactment of the Tribally Controlled Community College Assistance Act of 1978 (Public Law 95-471), the Tribe and the Oglala Sioux Community College fully expected that the Act would strengthen the College and enable the College to improve the quality of its programs. Instead, certain unilateral, and we believe improper, actions taken by the Bureau of Indian Affairs threaten to reduce by a substantial amount the funding available to the College.

The BIA has unilaterally removed from the Fiscal Year 1981 Appropriation, the $355,000 which the Tribe had designated from its tribal allocation to the College. This decision is apparently justified by the BIA on the grounds that all higher education operation and support funds are now to be delivered to qualified tribally controlled community colleges only under Public Law 95-471, the Tribally Controlled Community Colleges Assistance Act. This action by the BIA means that tribes are no longer able to support their colleges through their own tribal

allocations and eliminates an important source of funding for tribal community colleges. For the Oglala Sioux Community College, a $355,000 allocation has disappeared from the proposed Fiscal Year 1981 budget, as a result of being deleted from Public Law 93-638 band.

Mr. Chairman, I must stress that this action was taken totally without the sanction of or consultation with the Oglala Sioux Tribe or the Oglala Sioux Community College. In fact, the Bureau's action in removing the funds violates Section 108 of Public Law 95-471 by effectively denying the Oglala Community College, as well as other tribal colleges, free access to other sources of funding. Section 108 of the Act specifically states that:

Except as specifically provided in this title, eligibility assistance under this title shall not, by itself, preclude the eligibility of any tribally controlled college to receive Federal financial assistance under any program authorized under the Higher Education Act of 1965 or any other applicable program for the benefit of institutions of higher education, community colleges, or post secondary educational institutions."

We are concerned that the removal of the funds deprives Indian tribes of their right to support their colleges by negating the process through which tribal funds were previously designated for college use. Furthermore, it is our understanding that tribal funds designated for our colleges have now been deducted from tribal allocations, thus inflicting a severe financial blow upon both tribes and colleges.

Mr. Chairman, I urgently request that you act to restore the $355,000 in banded funds which was unilaterally deleted from the Oglala Sioux Community College's Fiscal Year 1981 allocation by the Bureau of Indian Affairs. Specifically, I request that the funds be restored to Part A of the Bureau's Fiscal Year 1981 budget for distribution to Tribes, particularly the Oglala Sioux Tribe, that sponsor community colleges, at the lowest possible agency level. I also ask the Committee to assist in restoring immediately any funds deducted from tribal allocations as a result of banded funds being deleted by the Bureau.

We are urgently in need of your assistance because this measure was taken when Congressional action upon the Fiscal Year 1981 Appropriation was imminent. Consequently, if our position prevails, as we believe it must, it may nevertheless be difficult to correct the deletion of funds once the budget has been approved.

We are thankful for any assistance that you might render us, and we appreciate the opportunity to testify before you here today.

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Oglala Sioux Community College

P. O. BOX ~~420~~ 531, Kyle
~~PINE RIDGE~~, SOUTH DAKOTA ~~57770~~ 57752
TELEPHONE (605) ~~867-5815~~ 455-2321

Chartered by
Oglala Sioux Tribe

COLLEGE PRESIDENT
ELGIN BADWOUND
BOARD CHAIRMAN
GERALD ONE FEATHER

June 9, 1980

The Hon. John Melcher
Chairman
Select Committee on Indian Affairs
United States Senate
Washington, D.C. 20510

Dear Senator Melcher:

The enclosed resolutions from the Oglala Sioux Tribal Council address issues and actions which have affected our college. Also enclosed is information related to the resolutions. The resolutions and information speak for themselves and I will not further elaborate on them with the exception of the restoration of Snyder Act funds.

Our recommendation regarding restoration of these funds is that they be restored at the tribal level, i.e. Part A of the BIA budget. Restoration of these funds to any portion of the budget other than Part A will be defeating the purpose under which these funds were committed in the first place.

We would appreciate any assistance you might provide us regarding these matters in accordance with the wishes of our college and the Oglala Sioux Tribe.

Sincerely,

Elgin Badwound
President

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RESOLUTION NO. 80-48

RESOLUTION OF THE OGLALA SIOUX TRIBAL COUNCIL
OF THE OGLALA SIOUX TRIBE
(An Unincorporated Tribe)

A RESOLUTION TO AUTHORIZE THE OGLALA SIOUX COMMUNITY COLLEGE TO CONTINUE CURRENT P.L. 93-638 HIGHER EDUCATION, ADULT EDUCATION AND AGRICULTURE/HOME MANAGEMENT CONTRACTS WITH THE BUREAU OF INDIAN AFFAIRS.

WHEREAS, the Oglala Sioux Tribal Council chartered the Oglala Sioux Community College to provide and coordinate all higher education on the Pine Ridge Reservation, and

WHEREAS, Oglala Sioux Community College has evidenced successful operation of its programs and adherence to its mission by recent achievement of candidate for accreditation status through the North Central Association of Colleges and Schools, and

WHEREAS, the Oglala Sioux Tribal Council has provided a portion of its band for operational support to the college throuth P.L. 93-638 contracts in the amounts of $354,600.00 (FY 80 BANDED AMOUNT) for Higher Education; $56,300.00 (FY 80 BANDED AMOUNT) for Adult Education; $69,700.00 (FY 80 BANDED AMOUNT) for Agriculture/Home Management, and

WHEREAS, these contracts expire in September, 1980, and

WHEREAS, the Oglala Sioux Community College has successfully implemented objectives as enumerated in the contracts, and

WHEREAS, the discontinuance of these contracts and the operational funds they provide will be detrimental to the future of Oglala Sioux Community College; now

THEREFORE BE IT RESOLVED, that the Oglala Sioux Tribal Council authorizes the Oglala Sioux Community College to continue the P.L. 93-638 Higher Education; Adult Education and Agriculture/Home Management contracts with the BIA for an additional period of three years beyond their expiration date, and

BE IT FURTHER RESOLVED, that the amounts for these contracts for FY 81 and thereafter be determined by the BIA established tribal budgeting or band process, and

BE IT FURTHER RESOLVED, that the $69,700.00 for the Agriculture/Home Management contract be taken from the "Adult Vocational Training" or "Employment Assistance" line item amounts of the BIA band, and

BE IT FURTHER RESOLVED, that the Higher Education line item and accompanying appropriations which were unilaterally deleted by the BIA without tribal consultation and approval from the band for FY 81 be immediately restored, and

BE IT FURTHER RESOLVED, that this resolution is consistent with Resolution No. 80-55 passed by the Oglala Sioux Tribal Council in support of recommendations by the Oglala Sioux Community College regarding P.L. 95-471, and the elimination of the Higher Education line item from the band by the BIA, and

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RESOLUTION NO. 80-48
Page 2

BE IT FURTHER RESOLVED, that the Oglala Sioux Tribal Council urges the following to initiate action to address and/or support the wishes of the Council as expressed in this resolution:

Cecil Andrus, Secretary of the Interior
Sidney Mills, Acting Assistant Secretary for Indian Affairs
Earl Barlow, Director of Office of Indian Education Programs
Superintendent, Bureau of Indian Affairs, Pine Ridge
Area Director, Aberdeen Area Office
Senator George McGovern
Senator Larry Pressler
Senator John Melcher, Senate Select Committee on Indian Affairs
Representative James Abdnor
Representative Tom Daschle
Senate Subcommittee on Interior Appropriations
House Subcommittee on Interior Appropriations

C E R T I F I C A T I O N

I, as undersigned as Secretary of the Oglala Sioux Tribal Council, hereby certify that this resolution was adopted by the vote of 19 for; 0 against; and 2 not voting, during a Special Session held on the 27th day of May, 1980.

Bernadine Blue Bird
Secretary
Oglala Sioux Tribe

ATTEST:

Stanley Looking Elk
President
Oglala Sioux Tribe

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RESOLUTION NO. 80-55

RESOLUTION OF THE OGLALA SIOUX TRIBAL COUNCIL
OF THE OGLALA SIOUX TRIBE
(An Unincorporated Tribe)

A RESOLUTION TO SUPPORT THE OGLALA SIOUX COMMUNITY COLLEGE RECOMMENDATIONS CONCERNING P.L. 95-471, "THE TRIBALLY CONTROLLED COMMUNITY COLLEGE ASSISTANCE ACT".

WHEREAS, the Oglala Sioux Tribal Council chartered the Oglala Sioux Community College to provide and coordinate all higher education on the Pine Ridge Reservation, and

WHEREAS, Oglala Sioux Community College has evidenced successful operation of its programs and adherence to its mission by recent achievement of candidate for accreditation status through the Notrth Central Association of Colleges and Schools, and

WHEREAS, Congress recently enacted P.L. 95-471, "The Tribally Controlled Community College Assistance Act," to foster the development of Indian community colleges and their respective tribes, and

WHEREAS, recent deveopments since the enactment of the Act have affected Oglala Sioux Community College and have caused concern on the part of the College, and

WHEREAS, some of the recent developments also affect tribal self-determination as guaranteed in P.L. 93-638, "The Indian Self-Determination and Education Assistance Act;"

THEREFORE BE IT RESOLVED, that the Oglala Sioux Tribal Council supports the following Oglala Sioux Community College recommendations regarding P.L. 95-471,"The Tribally Controlled Community College Assistance Act:"

1.) The criteria and guidelines of the Act must be adhered to in determining institutional eligibility for operational grants and technicalassistance. No institution should be singled out and afforded special treatment,

2.) The higher education operation category be immediately restored to the tribal band by the BIA for FY 81 and to keep it on thereafter, or until such time the Oglala Sioux Tribe decides otherwise,

3.) The following allocations, which Oglala Sioux Community College received throuth P.L. 93-638 contracts for FY 80, be maintained at a minimum by the BIA got FY 81 and thereafter at an amount to be determined by the BIA established tribal budgeting or band process until such time that the Oglala Sioux Tribe decides otherwise:

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a.) Higher Education - $354,600.00
b.) Adult Education - 56,300.00
c.) Agriculture/Home Management Extension Program - 69,700.00

4.) The recent amendment to increase technical assistance funds and to modify criteria to avail more colleges of technical assistance should not be done at the expense of services available to the more advanced eligible colleges. Priority for services should be given to those tribally controlled community colleges who worked diligently many years to achieve accredited or candidate status. It is these institutions that are the vanguard of the Indian community college movement and by whose achievements and standards progress in Indian higher education will be measured,

5.) An amendment would be immediately introduced to modify the funding formula to take into account services provided to nontraditional students, i.e., adult and continuing education, community services and development. Oglala Sioux Community College serves approximately 200 students per year that won't be eligible through the current funding formula due to the nature of the services provided to them, and

BE IT FURTHER RESOLVED, that these recommendations are discussed and enumerated in the attached, "Recommendations From The Oglala Sioux Community College Regarding P.L. 95-471, "The Tribally Controlled Community College Assistance Act, " February 1980," as prepared by the Oglala Sioux Community College, and

BE IT FURTHER RESOLVED, that the Oglala Sioux Tribal Council urges the following to initiate action to address and/or support the recommendations as expressed by the Oglala Sioux Community College:

Cecil Andrus, Secretary of the Interior
Sidney Mills, Acting Assistant Secretary for Indian Affairs
Earl Barlow, Director of Office of Indian Education Programs
Superintendent, Bureau of Indian Affairs, Pine Ridge
Area Director, Aberdeen Area Office
Senator George McGovern
Senator Larry Pressler
Senator John Melcher, Senate Select Committee on Indian Affairs
Representative James Abdnor
Representative Tom Daschle
Senate Subcommittee on Interior Appropriations
House Subcommittee on Interior Appropriations

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CERTIFICATION

I, as undersigned as Secretary of the Oglala Sioux Tribal Council, hereby certify that this resolution was adopted by the vote of 19 for; 0 against; and 2 not voting, during a Special Session held on the 27th day of May, 1980.

Bernadine Blue Bird
Secretary
Oglala Sioux Tribe

ATTEST:

Stanley Looking Elk
President
Oglala Sioux Tribe

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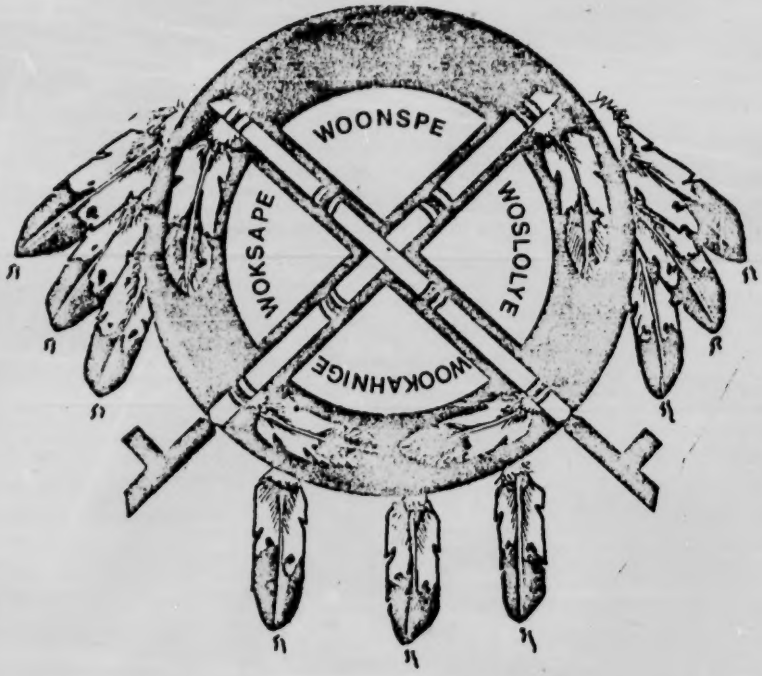
RECOMMENDATIONS
FROM
THE OGLALA SIOUX COMMUNITY COLLEGE



Regarding
P.L. 95-471, "The Tribally Controlled
Community College Assistance Act"

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February 1980

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I. Background

The Oglala Sioux Community College (OSCC) was chartered by the Oglala Sioux Tribal Council in March of 1971. OSCC was created in response to demands from local tribal and educational leaders for higher educational opportunities on the Pine Ridge Reservation. Since its inception, OSCC has been guided by the following mission as explicitly stated in its charter:

> "to establish and operate institutions granting post-secondary degrees and certificates, especially that of the Associate of Arts, and/or enter into agreements with public or private agencies to offer higher education on the reservation, and to generally coordinate and regulate all higher education on the Pine Ridge Reservation....(Tribal Ordinance No. 71-01)."

In the beginning, OSCC consisted of four full-time staff, volunteer instructors, no facilities and ninety students. Instruction was primarily in academics and the budget was approximately $250,000.00. Since that time, OSCC has developed into a comprehensive Community College offering services and instruction in seven Associate of Arts Degree programs (Agriculture, Business, Education, General Studies, Human Services, Lakota Studies, Nursing); Adult and Continuing Education; Student Services; and Community Services and Development. In addition, the college was recently awarded a three-year grant to design and implement a vocational training program. A two-year criminal justice degree and tribal management training program are also under current consideration in terms of meeting tribal training needs in these areas. Eighty full-time staff are currently employed to supervise, direct and deliver the services offered by the various programs. The college, in an attempt to maximize its service delivery, offers its services through a decentralized approach. The central administrative headquarters are located at Kyle and outreach centers are located in each of the nine Reservation Districts. In essence, services are taken out to the people.

In terms of results, OSCC has graduated a total of 109 students with Associate of Arts degrees in various areas through the class of 1979. In addition, a total of 532 individuals as of December, 1979 have successfully completed coursework and have obtained GED (General Education Development) Certificates. Numerous other tribal members and programs have benefitted from the community services and development efforts. As examples, OSCC staff have provided research and developmental assistances to such tribal programs as the Public Safety Commission, the Half Way House and the Headstart Program to name a few. Workshops in proposal-writing, horse management, small business development to name a few have also been provided to individual tribal members and communities.

Its development to date, as well as its achievements attest to the authenticity of OSCC as an institution of higher education.

As a reward toward its efforts and diligence, OSCC was granted candidate for accreditation status in March of 1979 after formal application to the North Central Association of Colleges and Schools.

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II. Problems

P.L. 95-471, "The Tribally Controlled Community College Assistance Act of 1978" was enacted on October 17, 1978. This Act will provide operational funds and technical assistance to eligible tribally controlled community colleges. The Act is the culmination of many years of effort by Indian colleges such as Oglala Sioux Community College, Sinte Gleska College and others. These institutions, among the orginal founders of the American Indian Higher Education Consortium (AIHEC), in concert with the AIHEC staff and other member colleges worked diligently in support of the enactment of federal legislation that would provide a stable and adequate funding base for Indian community colleges. Although initial efforts toward the enactment of such legislation were stymied, AIHEC persisted and on October 17, 1978, the goal became a reality.

Although it is too early to evaluate the impact of this legislation and predict its future survival, there are some immediate concerns over early developments as they affect OSCC:

1.) There appears to be numerous colleges across the country who are attempting to jump on the bandwagon and reap the benefits of the Act. Some of these institutions never put forth any effort toward the enactment of the law, yet are suddenly looking for special recognition. The funding of the College of Ganado, however justified, is a violation of the spirit and intent of the law.

2.) Apparently, the BIA has arrived at an arbitrary decision to eliminate the higher education operation category from the Tribal band through which some of the Indian Colleges are currently receiving funding.

3.) A recent amendment to the Act, among other things, is recommending a substantial increase in the amount of technical assistance funds over and above what is stipulated in the law.

4.) By the very nature of their purpose as mandated by their respective tribal authorities, Indian community colleges serve a variety of needs reflecting both traditional and non-traditional approaches to education. The Act although labelled as "The Tribally Controlled Community College...." provides funding through a formula designed strictly for academic instruction.

III. Recommendations

Oglala Sioux Community College maintains the following positions and recommendations concerning the previously enumerated problem areas:

1.) The intent of the law as explicitly defined in the Act itself, is to enhance the development of tribally authorized and sanctioned community colleges. Inherent in the Act is the purpose of promoting and maintaining

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quality and integrity of educational and program standards among such institutions. As such, certain specific criteria are spelled out in the Act by which an institution is determined to be eligible for assistance. It is of utmost importance, therefore, that the criteria be adhered to. No institution should be singled out and afforded special treatment.

2.) OSCC is one of three tribally controlled community colleges that are currently being partially funded by Snyder Act authority through tribal P.L. 93-638 contracts. These colleges took the initiative to seek support from their respective tribes and the tribes responded by including them on their band budgets. The Act specifically states that a college's eligibility for funding under P.L. 95-471 does not preclude that college from receiving funding from any other source. It is apparent, therefore, that the decision to remove higher education operation from the tribal band is in violation of both P.L. 95-471 and P.L. 93-638. In any case, a decision to remove any item from the tribal band should be a tribal, not a BIA decision. For FY 80, the BIA attempted to exclude OSCC and the other colleges receiving funding through Snyder Act authority from funds available through P.L. 95-471. It was only after united efforts on the part of the colleges and their respective tribes that the BIA was convinced not to follow through with their decision. The following actions are now deemed necessary to correct this problem:

a.) The higher education operation category be immediately restored to the tribal band for FY 81 and to keep it on thereafter, or until such time that the tribe decides otherwise.

b.) The following allocations, which Oglala Sioux Community College received through P.L. 93-638 contracts for FY 80, be maintained at a minimum by the BIA for FY 81 and thereafter at an amount to be determined by the BIA established tribal budgeting or band process until such time that the Oglala Sioux Tribe decides otherwise:

a.) Higher Education - $354,600.00
b.) Adult Education - $ 56,100.00
c.) Agriculture/Home Management Extension Program - $ 69,700.00

3.) Again referring to the spirit and intent of the Act, the proposed amendment to increase the funding level for technical assistance is well perceived given that it will contribute to achieving the overall goal of the Act. The only concern that OSCC expresses is that any action relevant to increasing technical assistance funds or modification of criteria to avail more Indian

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colleges of technical assistance, not be accomplished at the expense of services available to the more advanced eligible colleges. Priority is afforded those tribally controlled community colleges who worked diligently many years to achieve accredited or candidate status. This is only fitting as it is these institutions that are the vanguard of the Indian community college movement and by whose achievements and standards progress in Indian higher education will be measured.

4.) Tribally controlled community colleges were created not only to provide traditional academic instruction, but also to serve other developmental needs of the respective tribes and their programs. Adult education is a very significant aspect of the total program at OSCC. The majority of graduates of our adult education program are bridged into our degreed programs. Non-credit oriented services are also provided to individual tribal members. These services may take the form of proposal-writing workshops, horse management workshops, small business development workshops to name a few. Although these types of services are just as significant to tribal development as academic courses, it is rather difficult and almost impossible in many cases, to transform or translate them into the credit oriented FTE head count required by the Act. Apparently, people who developed the formula were not aware of community college philosophy. Although the title reads "community colleges," the formula implies "traditional colleges." In our case this means that although we will be funded for the approximately 300 full-time students for which we provide academic instruction on a yearly basis, we won't be funded for the approximately 200 students for which we provide adult and continuing education types of services. We don't feel that this was the intent of the law. OSCC, therefore, recommends that immediate steps be taken to amend the Act so that the formula takes into account non-traditional students.

In summary, it is unfortunate that such a significant piece of legislation is riddled with so many problems from its inception. We are confident, however, that through continued efforts from the Indian community, the ultimate goal of the Act, that of assisting the Indian community colleges in enhancing tribal self-determination, will be realized.

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United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

MAY 6 1980

Mr. Lionel Bordeaux
President
Oglala Sioux Community College
P.O. Box 439
Pine Ridge, South Dakota 57770

Dear Mr. Bordeaux:

The purpose of this letter is to inform you that the Bureau has made a determination to restore the Oglala Sioux Community College to line item funding status in the revised FY 1981 budget request, and to re-enter the tribal colleges as a tribal budget priority item in the FY 1981 and in future budget requests.

This will be accomplished by subtracting the Oglala Sioux Community College line item amount ($355,000) from the operational grant portion of the Tribally Controlled Community College budget request, since this amount was co-mingled with P.L. 95-471 budget request.

It should be understood that this action will not prevent or penalize Oglala Sioux Community College from fully participating in the formula funding under P.L. 95-471.

Appropriate action is being taken to revise the FY 1981 budget information to reflect these changes and to inform the tribes and Bureau administrative offices of this decision.

We regret the misunderstanding caused by the Bureau's position on this matter. We trust that the above statement will provide direction on this issue.

Sincerely,

Deputy Assistant Secretary - Indian Affairs

STATEMENT OF DARIUS T. ROWLAND, PRESIDENT, DULL KNIFE MEMORIAL COLLEGE

Mr. ROWLAND. My name is Ted Rowland. I am president of the Dull Knife Memorial College of the Northern Cheyenne Reservation.

I am going to submit a formal statement, but I will cover briefly an area that I am particularly concerned about. This is the area of title III.

We have not received official notification that we would not receive title III funds. However, the unofficial word is that we are not going to.

This brings the fact to the fore that if we do not receive full funding through Public Law 95-471 the existence of our institution will become very difficult.

Last year our title III proposal was rated No. 5 in the Nation. This year the same proposal, in polished form, was rated 112th. There is something wrong there. A person could interpret that in any way they feel.

Senator COHEN. Who did the rating?

Mr. ROWLAND. The readers of the title III proposals.

Senator COHEN. I assume they were the same for the consecutive years.

Mr. ROWLAND. Yes, sir. It was last year that we were rated No. 5 in the Nation with our proposal and this year we were rated 112th.

We are below the cutoff point, but there is still some hope that we may receive some funding from that grant program.

This brings up the point that we are working on becoming recognized in the State of Montana. The State Commissioner's Office of Higher Education, in cooperation with the presidents of 4-year universities and colleges, have made the recommendation to us that we stay in some type of working relationship with a current institution. This is where our title III funding came into play.

Without title III it is going to be hard for us to comply with their wishes at the State level. It will make growth very difficult.

This is the concern that I had and I would appreciate any assistance that we could get on that matter.

Senator COHEN. It appears that you are caught in the middle of a cross rough of sorts since under Public Law 95-471 there is a specific section—108—which indicates that eligibility under this particular act should not preclude sources of funding from other higher education funds. Of course, the other side is probably saying that under title III, when you are receiving funding under 95-471, they can make cuts there.

I suspect you are caught in the midd e of that.

Mr. ROWLAND. Yes, I was just telling my associates here that I would have been ashamed to drop to No. 10, or something, from No. 5, but when you drop over 100 places it makes you wonder just what is going on.

Senator COHEN. The Red Socks have had that problem for some time. [Laughter.]

I am not sure what they are going to do to correct their problem, but I hope there is something.

Without objection, your full statement will be included in the hearing record at this point.

[The prepared statement follows:]

PREPARED STATEMENT OF DARIUS T. ROWLAND, PRESIDENT, DULL KNIFE MEMORIAL COLLEGE

Good Morning, Mr. Chairman and members of the Senate Select Committee on Indian Affairs.

Ladies and Gentlemen, my name is Ted Rowland; I am president of the Dull Knife Memorial College on the Northern Cheyenne Reservation. I am here on behalf of the Northern Cheyenne Tribe and Dull Knife Memorial College of the Northern Cheyenne Reservation. I would like to have you recognize that Dull Knife is a developing institution in great need of full funding to meet the many problems that exist on the reservation. Expertise and operational monies to implement educational and research programs, are necessary in order to enable our college to become a viable instrument in preparing a portion of our population to meet the manpower needs which exist in our area.

The Northern Cheyenne Reservation is the center of one of the largest resource developments in this country at this time, yet even with this development we find the Northern Cheyenne people sadly lacking in skills and, at times, totally unprepared to compete in this realm. Also, it is undisputed that the energy potential of Indian lands is significant. While markets for coal and uranium are currently depressed, analysts expect one or both to play major roles in coming years as the United States moves away from its dependence on foreign oil.

Dull Knife Memorial College has been making an all-out effort to work with funding sources that we have available to us at this time. However, I must mention that we are very concerned about our Title III funding. There is a real possibility that our Title III funds may be cut off. This seems strange in that last year our program was rated number five nationally and this year we were rated 112th. Unofficially, we have recieved indications that we will not be getting Title III. A question at this time must be asked: Are we, because of our eligibility for 471 monies, being precluded from Title III funds? We cannot help but feel that the Title III office here in Washington has decided that the members of AIHEC do not need Title III funds because Public Law 95-471.

This situation is further complicated by the State of Montana Higher Education System. Briefly, the State will not allow us to sever our parent institutional ties and independently grant credits as a candidate institution. We are locked into an affiliate relationship with Miles Community College as a developing institution. Yet, we are apparently being left out of Title III, which actually should be enhancing our position as a developing institution. We have stated the case with Title III to emphasize the fact that full funding per FTE is going to be imperative if we are continue meeting the needs of our people.

With full FTE funding some of our goals would be met. As a developing institution we have had to hire personnel that were able to bring our college staffing pattern up to par and to get the job done in the accreditation process. With full funding we would be able to partially fill the void left by the absence of other funds. Of course the ideal would have included full FTE and a continuation of Title III and others.

Dull Knife Memorial College is in a critical stage of development having been granted Candidacy status through Northwest Association of Schools and Colleges, and at the same time having to expand and build programs that will satisfy the accreditation agency standards as well as the educational needs of the Northern Cheyenne people.

Again, I would like to emphasize the fact that Dull Knife Memorial College is a developing institution that has the potential to fulfill a great need to the Northern Cheyenne People while at the same time making a substantial contribution to rapidly development energy needs of the Nation.

Dull Knife Memorial College goes on record as being in full support of the recommendations of the full funding formula as outlined in Public Law 95-471.

STATEMENT OF MARLENE SALWAY, ON BEHALF OF CAROL JUNEAU, PRESIDENT, BLACKFEET COMMUNITY COLLEGE

Ms. SALWAY. Mr. Chairman, my name is Marlene Salway. I represent Blackfeet Community College.

I, too, have testimony to submit but I will just highlight a few areas of concern.

The Blackfeet Community College is a candidate for accreditation to the Northwest Association of Schools and Colleges. We are an institution of higher education as defined by the Office of Education and we were determined eligible through the feasibility study process.

We are very fortunate in receiving title III moneys and also qualifying for 471. However, we do have a problem with the cut in $4,000 per FTE.

We developed a budget for the next 2 years to operate under the $4,000 per FTE, so we are going to be hurt by the cut.

Also, we have a problem with the way the law defines FTE. We feel that we would benefit if it were changed to adding total credits of all students and dividing by 12. It would then fit us as a community college.

Another problem we have is the sixth week defined in the act. We would prefer to have it changed to the third week, which would also effect our count.

We do hope to become fully accredited by 1985 and we will need moneys to develop construction of facilities. We are lacking adequate facilities and a library learning and research center.

Those are our major concerns right now.

Thank you.

Senator COHEN. Thank you very much.

Without objection, your statement will be included in the record at this point.

[The prepared statement and accompanying material follows. Testimony resumes on p. 60.]

PREPARED STATEMENT OF MARLENE SALWAY, REPRESENTING BLACKFEET COMMUNITY COLLEGE

Honorable Chairmen and distinguished members of the Committee, my name is Marlene Salway, I am a member of the Blackfeet Nation and I am the Institutional Development Officer of the Blackfeet Community College located in Browning, Montana. I represent 12,000 Blackfeet served by the Blackfeet Community College, which is tribally sanctioned and a chartered Institution of Higher Education.

I would like to introduce Mae Crawford, member of the Blackfeet Tribe and member of the Board of Regents of the Blackfeet Community College. Mae was one of our first students to transfer from the Blackfeet Community College to the University of Montana in 1977. She completed her undergraduate work in 1979, and is currently working on her Master's Degree which she will complete in 1981.

We are here today to speak on Public Law 95-471, the Tribally Controlled Community College Assistance Act of 1978. The Blackfeet Tribe has supported Public Law 95-471 since 1976.

The Blackfeet Community College is a Candidate for Accreditation through Northwest Association of Schools and Colleges. We are an Institution of Higher Education as defined by the Office of Education and we were determined eligible for Public Law 95-471 through a Feasibility Study process.

We received our first grant monies from Public Law 95-471 on June 6, 1980. We plan to expand our present program of Secretarial Science, Human Services Technology, and General Studies. Also, we are introducing two new programs this fall in Teacher Education and Native American Studies. Other areas we plan to develop are in Health, Natural Resources, and Tribal Management. The Blackfeet Community College has assisted over 1,500 students since 1976. Our student body consists of people in the following categories:

1. Working towards a degree for transfer.
2. Working towards a terminal degree.
3. Upward mobility for skill building on their jobs.

4. Courses for special interest.
5. In-service training.

We are providing education which is designed to meet the special social, economic, and cultural needs of our community. Although we are only beginning, we feel we have helped make education possible for many people who would never have left our reservation.

We now have the long-range goal of becoming a full accredited Institution. We hope to reach this goal by 1985. We are looking towards Public Law 95-471, the Tribally Controlled Community College Bill, for financial assistance in several areas:

1. Adequate facilities.
2. Adequate financial base to provide needed services.
3. Securing financial assistance to help students with educational and living costs.
4. Develop a library learning resource center.

We would now like to address some areas of the Public Law 95-471 Act. We are having problems with some of the definitions in the Act as well as the Rules and Regulations. Although Senator Melcher's Bill 1855 addresses many of these issues, I would like to identify some specific areas of concern:

1. Under the definition of "Indian"—change "and" to "or".
2. "Institution of Higher Education"—see proposed definition of this term in proposed rules and regulations developed by the task force.
3. FTE—change to adding total credit hours of all students divided by 12.
4. "6th week"—change to "third" week for we are on the quarter system:
5. "Construction"—Tribal Community Colleges need assistance for construction of facilities.
6. $4,000 per FTE has been reduced to $2,956 for Fiscal Year 79-80 due to number of FTE of all "feasible" college. We need more money appropriated for Fiscal Year 81-82 in order to operate according to plans.
7. Developing Tribal Colleges who do not meet the requirements Public Law 95-471 needs to be assisted financially.
8. We need to receive our monies according to a time schedule!

We do have written testimony to be submitted for the record, including our Tribal Resolution, statistical information on students, and other relevant data.

Thank you very much for your time to present testimony today.

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4. Needs Assessment.

5. Statistics on Students.

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BLACKFEET COMMUNITY COLLEGE
BOX 819, BROWNING, MONTANA 59417 TEL. 406/338-7325

PRESIDENT
Carol C. Juneau

BOARD OF REGENTS
Dwight A. Billedeaux, Chairman
Clarence A. Gilham, Vice-Chairman
Carol C. Kipp, Secretary
W. Stanley Juneau
Earl Old Person
Harvey T. Madman, Sr.
Don Pepion
James Higgins

The Blackfeet Indians of Montana descended from the South Piegan Tribe, one of the three Tribes of the Blackfeet Nation. (The other two Tribes to the north in Canada are the Bloods and the Northern Piegans.)

The Blackfeet Reservation is approximately 1,525,712 acres in size. It is located in Northern Montana for backed by Canada on the north and Glacier National Park on the west. The reservation is sixty-nine percent (69%) rangeland, fourteen persent (14%) farmland, and seven percent (7%) timber. The population of the reservation is approximatley 7,800 people, the majority being enrolled members of the Blackfeet Tribe. The Blackfeet Tribe's population is reaching the 12,000 figure of enrolled members with approximatley one-half of the population living off the reservation.

Blackfeet Community College was founded on September 1, 1976 to serve the Blackfeet people on the Blackfeet Indian Reservation located in northwestern Montana.

Goals and Philosophy: The mission of Blackfeet Community College is:

> To provide postsecondary education that is relevant and meaningful to the educational goals of the people of the Blackfeet Indian Reservation and the environment (social and economic) as has been indicated by the need and interest of the people. The postsecondary education will be offered to the Blackfeet Reservation in the areas of college transfer courses, and community services courses. The community college program on the Blackfeet Indian Reservation will provide the opportunity for the population intending to continue their educational goals and thus strengthening the human resources of the Blackfeet Tribe in providing the resource with the educational knowledge and skills to manage their own resources and programs.

Description: The administrative offices are currently located in a remodeled three bedroom house at Browning, Montana. As of June 2, 1980 the faculty and administration Staff will be located in the Archambault house located on the eastern entrance to Browning on Highway 89. The building is on the right-hand side of the road North of the Tourist Information Center. Courses in Browning and the three other sites, Heart Butte, Babb, and Seville are offered through in-kind contributions of classroom space:

1. Browning - Browning High School (State)
2. Heart Butte - Heart Butte School (State)
3. Babb - Babb School (State)
4. Seville - Community Hall (Tribe)

Library and media facilities include arrangements and agreements with the Browning School District Number Nine (9), the Browning City Library, the

Blackfeet Heritage Center, The Museum of the Plains Indians, the Bureau of Indian Affairs and other programs.

Governance: Blackfeet Community College was chartered in December 6, 1976 by the Blackfeet Tribal Business Council. The corporate articles of this institution specifically sets out degree-granting authority.

The governing board of the college consists of seven people appointed by the Blackfeet Tribal Business Council. Additionally, the Student Body President sits on the board as a voting member. The Board has a clear and consistent set of by-laws to govern its proceedings.

Curriculum: Blackfeet Community College determines its quarter course offering by two methods. A need analysis is conducted both formally and informally through Tribal programs, students and staff. Thus, the Blackfeet Tribe can and does request the specific course work be offered. Secondly, course work concurs with the curriculum of the sponsoring institution, Flathead Valley Community College. Blackfeet Community College has an open admissions policy in all programs: Associate of Arts, Associate of Applied Science and Certificates. Its academic program includes general studies and business/secretarial sciences and Human Services Technology.

Additional Programs offered at Blackfeet Community College include Teacher Aide Training, Adult Basic Education, Community Education Concepts and Environmental Resource Studies, sponsored by the Argonne National Laboratories Grant.

Introductory courses in auto mechanics, woodwork, drafting, surveying as well as training for tribal personnel have been provided by requests.

The cultural course work at present is in language arts and traditional arts specific to the Blackfeet Tribe. Courses in the areas of education and human services tend to be minority-oriented with a certain amount of specialization to the Blackfeet Tribe. It must be noted that teacher certification in Montana requires general course work geared to Indian culture coupled with some specificity towards Montana Tribes.

Process: Student services include counseling in academic, financial aid, personal and vocational areas. There is also a student government corganization. Other activities are Indian Day Parade, Native American Day Festivities, various movies, parties, picnics, and pow-wow. Approximately 70% of the students receive financial aid.

Fiscal Resources: The Blackfeet Community College utilizes serveral funding sources to maintain the institution as indicated in the previous section. Other income includes tuition and fees paid by students. Resources from tuition comes from several sources: BEOG, SEOG, BIA, the Blackfeet Tribal Education Grant Program, Vocational Education Program, and from the Department of Energy Federal Grant via Arogonne National Laboratories. The institution's self-generated resources are the tuition and fees generated by the college. There are several in-kind contribution areas; these in-kind contributions come from the use of class-room space in local schools via the Adult Education Program and the School District Number Nine (9) Board of Trustees.

The Blackfeet Community College is presently operating on annual or short-term grants and lacks stability as with most of AIHEC institutions. The Blackfeet Community College has a definite need for stable funding; this would open several doors to improve its operation which would include short and long-range planning, hiring of more permanent staff and other critical areas that need improvement.

On December, 1979 the Blackfeet Community College was granted Candidate Status by the Northwest Association of School and Colleges.

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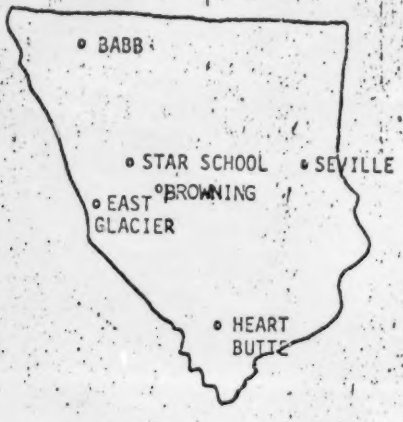
BLACKFEET RESERVATION



POPULATION.....10,000

AREA.....950,643 acres

COMMUNITIES.....6

HIGHWAY MILES.....2,000

UNEMPLOYMENT RATE, BLACKFEET INDIAN.....47% (1970 Montana Data Book (1970 U.S. Census)

UNEMPLOYMENT RATE, MONTANA.....4.5% (1970 U.S. Census)

UNEMPLOYMENT RATE, BLACKFEET INDIAN.....37%-60% (1977 Tribal Repo

UNEMPLOYMENT RATE, MONTANA.....8% (1977 estimate)

MEDIAN AGE, BLACKFEET INDIAN.....19 (1977 Tribal Report)

AVERAGE GRADE LEVEL COMPLETED, BLACKFEET INDIAN.....8 (1973 Dept. of Commerce

AVERAGE GRADE LEVEL COMPLETED, MONTANA.....12 (1970 U.S. Census)

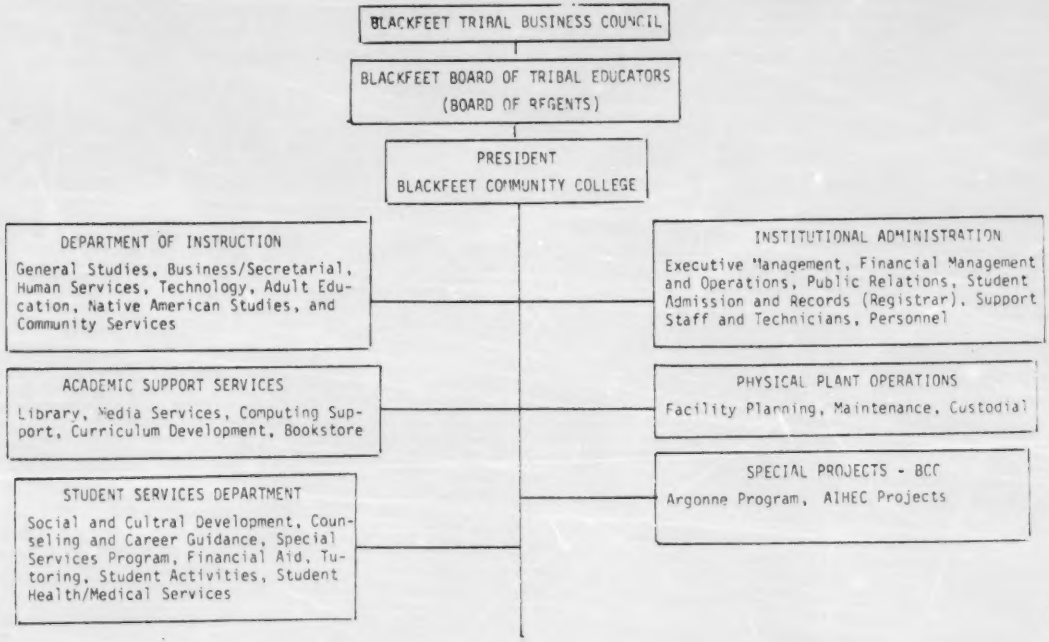
MEAN INCOME, BLACKFEET INDIAN FAMILIES...5,344 (1970 U.S. Census)

MEAN INCOME, MONTANA FAMILIES.....9,065 (1970 U.S. Census)

FLOW CHART

BLACKFEET COMMUNITY COLLEGE TRIBAL GOVERENCE

The Blackfeet Community College is a tribally chartered, non-profit corporation under the Black[illegible] Council. The Blackfeet Tribal Business Council appoints the Blackfeet Board of Tribal Educators which oper[illegible] cordance with the Charter and By-Laws as approved by the Blackfeet Tribal Business Council. Also, the Black[illegible] munity College is a tax exempt corporation under the IRS Code 501 (c) (3).


BLACKFEET TRIBAL BUSINESS COUNCIL
BLACKFEET BOARD OF TRIBAL EDUCATORS
(BOARD OF REGENTS)
PRESIDENT
BLACKFEET COMMUNITY COLLEGE
DEPARTMENT OF INSTRUCTION
General Studies, Business/Secretarial, Human Services, Technology, Adult Education, Native American Studies, and Community Services
INSTITUTIONAL ADMINISTRATION
Executive Management, Financial Management and Operations, Public Relations, Student Admission and Records (Registrar), Support Staff and Technicians, Personnel
ACADEMIC SUPPORT SERVICES
Library, Media Services, Computing Support, Curriculum Development, Bookstore
PHYSICAL PLANT OPERATIONS
Facility Planning, Maintenance, Custodial
STUDENT SERVICES DEPARTMENT
Social and Cultral Development, Counseling and Career Guidance, Special Services Program, Financial Aid, Tutoring, Student Activities, Student Health/Medical Services
SPECIAL PROJECTS - BCC
Argonne Program, AIHEC Projects

41

25

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EXECUTIVE COMMITTEE
Dan Boggs, Chairman
Stan Juneau, Vice-Chairman
Dorothy Dragonfly, Secretary
Elouise C. Cobell, Treasurer

THE BLACKFEET TRIBE

OF THE BLACKFEET INDIAN RESERVATION

BROWNING, MONTANA 59417

TRIBAL COUNCIL
Dan Boggs
Stan Juneau
Dorothy Dragonfly
Earl Old Person
Lee Wilson
Archie St. Goddard
Floyd Gervais
Don Magee
Pat Schildt

RESOLUTION

NUMBER: 102-80

WHEREAS: The Blackfeet Tribal Business Council is the duly constituted governing body within the exterior boundaries of the Blackfeet Indian Reservation; and

WHEREAS: The Blackfeet Tribal Business Council has been organized to represent, develop, protect, and advance the view, interests, education and resources of the people of the Blackfeet Indian Reservation; and

WHEREAS: The Blackfeet Tribal Business Council has officially sanctioned the Blackfeet Community College by chartering the Blackfeet Community College as an Institution of Post Secondary Higher Education on the Blackfeet Reservation under the constitutional authority of the Blackfeet Tribe; and

WHEREAS: The Blackfeet Community College has been successful in meeting the needs of the people of the Blackfeet Reservation in providing post secondary and higher educational opportunities since 1976; and

WHEREAS: Blackfeet Community College has successfully achieved Candidate Status for accreditation form the Northwest Association of Schools and Colleges on December 1, 1979, which was result of the Blackfeet Community College meeting all requirements set forth by Northwest Association of Schools and Colleges for Candidacy Status, which required our application with a Planning Document, undergoing a thorough and Comprehensive Self Study, and Evaluation visit by members of Northwest Association of Schools and Colleges, and final approval by the Commission on Colleges of the Northwest Association of Schools and Colleges; and

WHEREAS: Northwest Association of Schools and Colleges in their letter to Blackfeet Community College awarding Candidate Status on December 1, 1979 states:

> "Candidates for Accreditation will be listed in the 1980-81 issues of Accredited Institutions of Higher Education published by the American Council on Education for the Council on Postsecondary Accreditation. Candidates usually qualify for federally sponsored programs. For students transferring to other institutions, we recommend that their transcripts be evaluated as if from fully accredited institutions."

WHEREAS: The State of Montana Board of Regents has a policy on transferability of credit (Section 301.5 - Transfer of Credit) which requires that an Institution of Higher Education be fully accredited before the Montana University System can accept transfer credit which currently excludes the Tribally Controlled Community Colleges in Montana who have achieved Candidate Status: and

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EXECUTIVE COMMITTEE
Dan Boggs, Chairman
Stan Juneau, Vice-Chairman
Dorothy Dragonfly, Secretary
Flowser C. Cobell, Treasurer

THE BLACKFEET TRIBE

OF THE BLACKFEET INDIAN RESERVATION

BROWNING, MONTANA 59417

TRIBAL COUNCIL
Dan Boggs
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Lee Wilson
Archie St. Goddard
Floyd Gervais
Don Magee
Pat Schildt

NUMBER: 102-80

WHEREAS: The Blackfeet Community College has met all requirements of Northwest Association of Schools and Colleges for Candidate Status and that Northwest Association of Schools and Colleges does recommend that from Blackfeet Community College be evaluated as if from fully accredited Institutions; and

NOW THEREFORE BE IT RESOLVED: That the Blackfeet Tribal Business Council fully support and endorses the Blackfeet Community College in its part success since 1976 and in Blackfeet Community College's current work with the Commissioner of Higher Education and the Montana Institution of Higher Education in requesting a change in the Board of Regents Policy (301.5) on transferability of credit. This change is to revise this policy to allow the Tribally Controlled Community Colleges of the State of Montana who have achieved Candidate Status for Accreditation through Northwest Association of Schools and College to have their credits accepted at the various units of the Montana University System.

FURTHER BE IT RESOLVED: That the Blackfeet Tribal Business Council not only supports the above revision in the Montana Board of Regents Policy, but recommends that this change be made prior to 1980-81 Academic Year as it is of utmost importance in the future development and growth of the Blackfeet Community College in serving students and other Tribally Controlled Community Colleges in the State of Montana.

ATTEST:

Dorothy Dragonfly
Secretary

David A. Boggs
Chairman

CERTIFICATION

I hereby certify that the foregoing resolution was adopted by the Blackfeet Tribal Business Council in duly called, noticed and convened *Special* Session assembled the *17th* day of *April* 1980 with *Seven* members present to constitute a quorum.

Dorothy Dragonfly
Secretary
Blackfeet Tribal Business Council

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EXECUTIVE COMMITTEE
Dan Boggs, Chairman
Stan Juneau, Vice-Chairman
Dorothy Dragonfly, Secretary
Elouise C. Cobell, Treasurer

THE BLACKFEET TRIBE

OF THE BLACKFEET INDIAN RESERVATION

BROWNING, MONTANA 59417

TRIBAL COUNCIL
Dan Boggs
Stan Juneau
Dorothy Dragonfly
Earl Old Person
Lee Wilson
Archie St. Goddard
Floyd Gervais
Don Magee
Pat Schultz

RESOLUTION

NUMBER: 101-80

WHEREAS: The Blackfeet Tribal Business Council is the duly constituted governing body within the exterior boundaries of the Blackfeet Indian Reservation; and

WHEREAS: The Blackfeet Tribal Business Council has been organized to represent, develop, protect, and advance the view, interests, education and resources of the people of the Blackfeet Indian Reservation; and

WHEREAS: The Blackfeet Community College, which is chartered by the Blackfeet Tribal Business Council as an Institution of Post Secondary and Higher Education on the Blackfeet Reservation; and

WHEREAS: The Blackfeet Community College is a member institution of the American Indian Higher Education Consortium; and

WHEREAS: The American Indian Higher Education Consortium is and has been serving not only the Blackfeet Community College but the other member Tribally Controlled Community College since 1972 in providing training and technical assistance in the tribal college's growth and development; and

WHEREAS: The Blackfeet Community College has been assisted by AIHEC since 1977 in its development and has successfully achieved Candidate Status for Accreditation from the Northwest Association of Schools and Colleges on December 1, 1979; and

WHEREAS: The American Indian Higher Education Consortium has provided Training/TA for Blackfeet Community College in the areas of Accreditation, Financial Resources Development, Institutional evaluation and planning, compilation of research and data; and

WHEREAS: The American Indian Higher Education Consortium is organized to "promote, foster, encourage, and implement programs for the improvement of post-secondary and higher education for American Indians, Eskimos and Alaskan Natives"; and

WHEREAS: The American Indian Higher Education Consortium has grown from only 6 member institutions in the early 1970's to 17 members in 1980 with member institutions from throughout the United States as follows:

Blackfeet Community College
Cheyenne River Community College
Dull Knife Memorial College
Fort Berthold College Center
Hehaka Sapa College at D-Q University
Inupiat University of the Arctic
Little Big Horn College
Little Hoop Community College
Navajo Community College
Nebraska Indian Community College
Oglala Sioux Community College
Salish-Kootenai Community College
Sinte Gleska College
Sisseton-Wahpeton College Center
Standing Rock Community College
Turtle Mountain Community College
United Tribes Educational and Technical Center

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EXECUTIVE COMMITTEE
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Dorothy Dragonfly, Secretary
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THE BLACKFEET TRIBE

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Pat Schildt

NUMBER: 101-80

WHEREAS: The American Indian Higher Education Consortium has been funded up through 1979-1980 academic year by Title III, Higher Education Act of 1965, as ammended through Navajo Community College to provide these services and has been very successful in meeting the needs of the member institutions; and

WHEREAS: The American Indian Higher Education Consortium has been notified that it will NOT receive funding for 1980-1981 academic year from Title III; and

WHEREAS: There is no alternative source of funding available for 1980-1981 for the American Indian Higher Education Consortium and without adequate funding it will surely mean the death of AIHEC; and

WHEREAS: The Blackfeet Tribal Business Council supports the efforts of AIHEC in its work with Blackfeet Community College and the other Tribally Controlled Community Colleges in the United States; and

THEREFORE BE IT RESOLVED: The Blackfeet Tribal Council of the Blackfeet Nation requests the support of the Montana Congressional Delegation and the Department of Education of the United States to review the Title III funding allocations for 1980-1981 and requests that the American Indian Higher Education Consortium be included in the 1980-1981 funding under Title III, Higher Education Act of 1965 as ammended.

ATTEST:

Dorothy Dragonfly
Secretary

David A. Boggs
Chairman

CERTIFICATION

I hereby certify that the foregoing resolution was adopted by the Blackfeet Tribal Business Council in duly called, noticed and convened *Special* Session assembled the 17th day of April, 1980 with Seven members present to constitute a quorum.

Dorothy Dragonfly
Secretary
Blackfeet Tribal Business Council

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PUBLIC LAW 95-471
TRIBALLY CONTROLLED COMMUNITY COLLEGES

FACTS/PRESUMPTIONS	PROBLEMS	ANSWERS
The definition for Indian is a member of an Indian tribe and is eligible to receive services from the Secretary of the Interior.	Do the college students have to be 1/4 Indian blood?	
The definition "Institution of Higher Education" " Tribally Controlled Community College" means an institution of higher education which is formally controlled, or has been formally sanctioned, or chartered by the governing body of an Indian tribe.	How does the Commissioner of Education determine there is Satisfactory assurance, the college is making an effort to meet accreditation standards and what is reasonable time in working towards accreditation?	
...or is an institution where credits are accepted on transfer by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited.	May letters be accepted from colleges that have only a candidacy status?	yes-
	Must colleges have their students working for a degree?	no
	Will "certificates of completion" alone secure a positive determination?	BIA says some students must be working towards degree no(?)
	Does the intent of P.L. 95-471 allow students to transfer from one Community College to another?	
	Or does it intend to encourage the Indian student to transfer to a four	(Philosophical)

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FACTS/PRESUMPTIONS	PROBLEMS	ANSWERS
A tribally controlled community college must be one which - (1) is governed by a board of directors or board of trustees, a majority of which are Indian. The key word is governed.	How much control is needed by this board to assure that the college is actually controlled by the board?	most power should be with Bd.
The Secretary shall not consider any grant application unless a feasibility study has been conducted under Section 10% and it has been found that the applying community college will service a reasonable student population.	What is a reasonable student population?	should be at discretion of Tribe! And that Community's needs.
Once the feasibility study has been initiated.	What is the total number of days the Bureau of Indian Affairs has to notify the college of their determination? What happens if the college receives a negative determination? What happens if the BIA fails to notify the college when the optimum number of days are up? explain.	
Approximately 1/2 of the tribal colleges received a negative determination on the feasibility studies. The Rules and Regulations state that colleges must wait one year before requesting another study. These colleges will not be eligible for funding in FY 80 or FY 81.	Should the one year time restriction be waived this first year and studies conducted again in September?	yes -

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FACT/PRESUMPTIONS	PROBLEMS	ANSWERS
It will be almost impossible to process funding for FY 1980 for colleges that have studies completed later than June 1, 1980.	Should these colleges be informed that the studies were conducted too late to get money to them for FY 80; or should we try to give them a portion of what they would be eligible for?	
Some TCCC's will need several years to qualify for an operational grant.	How will the Bureau financially help those colleges who are not eligible for P.L. 95-471?	
The Bureau must conduct a formal review of all TCCC's before a [illegible] operational grant can be awarded.	How stringent should this review be? Is a site vist necessary? OMB is requesting this review!	as of 6th wk of academic term for 79-80 FOV for 80-81 funds.
The Director of Education shall furnish technical assistance either directly or through contract to any community college requesting it.	What are the logistics when a college receives a negative determination for such a grant?	

List other Fact/Presumption and Questions you may want answered.

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The attached questionnaire was completed by the Blackfeet Native American Programs in 1974. A total of 1,400 people of the Blackfeet Reservation were interviewd by staff of CAP.

The areas surveyed were Browning, Seville, Blackfoot, East Glacier, Heart Butte, Starr School, Badger Fisher, Babb, Birch Creek.

Both Indian and non-Indian were interviewed with the majority being Indian.

Age group was 18 years and up.

Pat Newman developed this questionnaire and supervised this project.

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CLASS SUGGESTION SHEET

NAME:_____ DATE:_____

ADDRESS:_____ PHONE:_____

DISTRICT:_____

* * * * * * *

1. If Adult Education courses could be taught, would you require that they be accredited?

   A. 700 For G.E.D. Equivalency? B. 528 For College credit?

2. If you had the opportunity to take classes, which classes would you take?

   A. BASIC SKILLS

      1. 698 Reading
      2. 568 Writing
      3. 444 Arithmetic
      4. 604 Spelling

   B. SOCIAL STUDIES

      1. 700 Blackfeet History
      2. 696 Blackfeet Language
      3. 430 Blackfeet Customs
      4. 250 Blackfeet Social Mannerism
      5. 378 Indian Medicine
      6. 346 Blackfeet Religion
      7. 630 Blackfeet Tribal Tree
      8. 350 Geography of Blackfeet
      9. 434 General Sociology

   C. SCIENCE

      1. 434 Earth Science
      2. 412 Psychology
      3. 336 Political Science
      4. 250 Physiology

   D. GOVERNMENT

      1. 952 Tribal
      2. 322 County
      3. 546 Federal
      4. 322 Voting Procedures

   E. AWARENESS CLASSES

      1. 586 What is happening in the Indian World, both locally and nationally?

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F. Do you have a desire to participate in a Vocational Education center?

1. 286 Welding
2. 468 Carpentry
3. 380 Electrician
4. 190 Plumber

G. Would you be interested in taking commerical classes?

1. 622 Introduction to typing and advanced.
2. 386 Introduction to Business.
3. 456 Accounting.
4. 322 Buying and Selling.
5. 416 Business Machines
6. 416 Shorthand

3. If other classes could be taught, what classes would you like to see taught?

---

4. Do you have any special interests or skills you would be willing to teach?

1. 362 With Pay
2. 67 Without Pay

5. Would you have a transportation problem if classes were held at a Learning Center in Browning?

376 Yes
522 No

6. What do you think about the importance of Education for the Blackfeet people?

(12)

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Browning - Total Community Responses
to Needs Assessment Questionnaire
N=399

Part I - Personal Information

Age 15-73
Man 185 Woman 204
Veteran yes 70 no 251

Indian 368
Non-Indian 43
Community _____

I live in a rural area, but I am ____ miles from _____.

Are you interested in further education or training? yes 367 no 13

Are you working? yes 278 no 119

Background

209 High school graduate
95 Some college
46 College graduate

71 Trade school
113 Other (please list)

Part II - Educational Interest - I am most interested at this time in: (check one or more)

A 172 College courses
B 83 College degree program
C 166 Vocational training
D 130 Special interest courses (see D, p.2)
E 98 Adult basic education (GED)

Part III - Educational Interest Checklist - For example, if you have checked A in Part II, complete A in this part; if you checked B in Part II, complete B in this part, etc.

A. Community college courses: (Please check area of interest.)

75 1 Arts & social science (English, anthropology, history, etc.)
67 2 Science - mathematics (biology, zoology, botany, algebra, etc.)
94 3 Business (computer science, shorthand, accounting, marketing, etc.)
50 4 Education (preparation for teaching)
93 5 Psychology/counseling
83 6 Indian studies for teacher certification (RCM-75-6135T)

B. Community college degree:

31 1 Forest technology
60 2 Business management
30 3 Human service technology
18 4 Surveying
42 5 Secretarial studies
38 6 Other _____

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C. Vocational training:

1. Business
   - 95 Secretarial skills (typing, filing, shorthand, etc.)
   - 98 Management (small business, office, etc.)
   - 88 Accounting (bookkeeping, real estate, taxation, etc.)

2. Agriculture - Farm/Ranch
   - 87 Animal science (horseshoeing, animal health, cattle judging, etc.)
   - 39 Plant science (farming, weed control, insects, soils, etc.)
   - 58 Farm machinery (repair, operation, welding, etc.)
   - 23 Fire fighting

3. Automotive skills
   - 72 Tune-up
   - 67 Overhauling
   - 38 Auto body
   - 37 Transmission

4. Construction skills
   - 64 Electrical
   - 48 Plumbing
   - 40 Heating
   - 75 Carpentry
   - 71 Heavy equipment operation
   - 59 Welding

5. Communications
   - 46 Radio
   - 42 TV
   - 44 Speech
   - 36 Journalism

6. Graphic arts
   - 57 Drafting - blueprint reading
   - 29 Printing
   - 64 Photography
   - 26 Newspaper layout

7. Health
   - 94 Practical health (first aid, emergency medical training)
   - 36 Pre-nursing
   - 28 Nutrition
   - 28 Child care (prenatal, etc.)
   - 50 Drugs
   - 37 Care of the aged

D. Special interest courses

1. Cultural
   - 156 Indian language
   - 76 Ceramics
   - 47 Indian foods
   - 99 Contemporary Indian affairs

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83 Treaties
120 Indian customs/history
20 Other (please list)

_____
_____
_____

2. Social
50 Mental health
37 Family planning
40 Marriage counseling
69 Homemaking skills (cooking, sewing, learning how to take care of new homes, painting, minor repair, decoration, care of appliances, etc.)
69 Consumer skills (banking, practical real estate, practical law, leasing, water rights, etc.)
45 Police training
36 Senior citizen activities

3. Recreation
40 Folk dancing
57 Skiing
56 Snowmobiling
43 Ice skating
76 Bowling
46 Roller skating
106 Outdoor recreation (camping, hiking, rodeo skills, animal packing)
77 Physical fitness
37 Pilot training
33 Boating
64 Fishing
61 Animal training (horsemanship)
55 Driver's training

E. Basic education

91 GED
69 Basic English
82 Basic math
57 Basic reading
33 Basic science
60 Basic money management
9 Other (please list)

_____
_____
_____

Part IV - Place of Instruction

A. If a course would not be available in your community, would you be able to travel to an educational center for instruction? (For example, Browning for the Blackfeet, St. Ignatius for the Flathead, Columbia Falls for the Kalispell area, and Whitefish for the Olney-Bissell area.)

251 yes 83 no

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B. Would transportation be a problem in attending classes at another education center? 171 yes 170 no

Part V - Time of Instruction

A. How would you prefer courses to be organized?

191 Quarterly (1 class per week for 10 weeks)
114 Workshop (½ day, full day, 2 days, etc.)
114 Independent - home study

B. What would be the best time for you to meet scheduled classes?

57 1 Morning (9-12)
32 2 Lunch hour (12-1)
30 3 Afternoon (1-4)
87 4 Late afternoon (4-6)
217 5 Evening (5-10)

Part VI - Method of Instruction

A. When I attend classes I enjoy:

210 1 Small group interaction (15 or less students in class)
79 2 Lecture
130 3 Discussion
62 4 Television/movies
54 5 Individual lessons
14 6 Courses by newspaper
90 7 Team taught by different professors (more than one teacher)
9 8 Other (please list)

_____
_____
_____

Part VII - Financial Source

A. If you enroll in training classes, will you need financial help?

303 1 yes
65 2 no

STATISTICS ON STUDENTS
1976-1977

TOTAL NUMBER OF STUDENTS. 265

TOTAL INDIAN STUDENTS 219 or (82.6%)

TOTAL NON-INDIAN STUDENTS 46 or (17.4%)

AGE BREAKDOWN

	MALE		FEMALE		TOTAL	
18-25	(43%)	37	(57%)	49	(32%)	86
26-34	(49%)	48	(51%)	49	(37%)	97
35-43	(28%)	13	(72%)	34	(18%)	47
44-52	(21%)	5	(79%)	19	(9%)	24
52+	(45%)	5	(55%)	6	(4%)	11
TOTAL	(41%)	108	(59%)	157	(100%)	265

EDUCATIONAL BACKGROUND (Before entering our college program).

NO HIGH SCHOOL	G.E.D.	HIGH SCHOOL	
27 10.2%	40 15.1%	198 74.7%	265 100%

SOME COLLEGE

168
63.4% of 265 students

VOCATIONAL SCHOOL

C-1

BLACKFEET COMMUNITY COLLEGE

ENROLLMENT STATISTICS 1977-1978 *

	MALE	FEMALE	TOTAL
TOTAL STUDENTS SERVED:	85	140	225
TOTAL INDIAN	64	112	176
NON-INDIAN	21	28	49
AGE:			
18-21	13	20	33
22-25	20	34	54
26-29	23	18	41
30-33	13	14	27
34-37	7	18	25
38-41	4	8	12
42-45	1	8	9
46-49	3	7	10
50-53	1	6	7
54-57	1	2	3
58-61	0	3	3
62+	0	2	2
TOTALS	85	140	225

* Does not include Summer Quarter 1978

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BLACKFEET COMMUNITY COLLEGE

TOTAL COURSES, CREDITS, (Transferrable and non-transferrable), ENROLLMENT DURING 1977-1978 ACADEMIC YEAR

	Fall Quarter 1977	Winter Quarter 1978	Spring Quarter 1978	Summer Quarter 1978	Total
Total Number of Courses Offered	22	16	14	2	54
Credits:					
Transferable:	61 credits	48 credits	31 credits	7	147
Non-transferable:	10 credits	9 credits	17 credits	0	36
Totals	71 credits	57 credits	48 credits	7	183
Enrollments each quarter	146 students	111 students	69 students	9	226

BLACKFEET COMMUNITY COLLEGE
ENROLLMENT STATISTICS 1978-1979

	MALE	FEMALE	TOTAL
TOTAL STUDENTS SERVED	103	202	305
TOTAL INDIAN STUDENTS	67	146	213
TOTAL NON INDIAN	35	57	92
AGE:			
18-21	13	34	47
22-25	23	43	66
26-29	23	36	59
30-33	16	23	39
34-37	6	20	26
38-41	8	10	18
42-45	4	12	16
46-49	2	8	10
50-53	0	4	4
54-57	3	9	12
58-61	4	2	6
62+	1	1	2

STATEMENT OF DEAN JACKSON, COLLEGE PRESIDENT, NAVAJO COMMUNITY

Mr. JACKSON. Mr. Chairman, my name is Dean Jackson, president of Navajo Community College.

Navajo Community College, as you know, is the pioneer of the Indian controlled community college movement, yet this year through the Public Law 95–471 it looks as though we will be the first one to close down.

The FTE, the way it is defined in the law, means an over 61-percent reduction in the present budget of $6.4——

Senator COHEN. Have you been cut some $4 million?

Mr. JACKSON. Yes, sir.

The Navajo education needs as we see them today are only the tip of the iceberg, so to speak. We have over 4,000 Navajoes going into higher education today. In 5 years we will have over 20,000 Navajoes in higher education.

These are some of the things that we are trying to address in asking for construction money to build some more dormitories and to really provide an education to the current Navajo population.

The other thing is that in the law we were also cut from providing education through summer school. Summer school is the period when those individuals who are working during the winter may come back and take additional courses to improve their skills, teaching abilities, and so forth. We have been cut entirely through the act.

It seems to us that we have about three alternatives. One is to move through the act and we will qualify for about $2.4 or $3.3 million, or somewhere around there. We can divide this into two semesters and lay off about three-fourths of our people, cut down our program by over half, and in this process eventually lose our accreditation and bring about the subsequent falling apart of the college.

Or, we could put our total appropriation for 1981 into one semester and just shut down in the spring semester of 1981. Or, we could ask the Congress and the people in the legislature to give us additional money to carry out the intent of Navajo Community College and truly make Navajo Community College a model to carry out Indian self-determination through education.

Thank you very much.

Senator COHEN. Thank you, Mr. Jackson.

Thank you all once again for your patience in waiting for the hearing to commence.

We have Mr. Ron Andrade, who is the executive director of the National Congress of American Indians. He is the remaining witness. I believe he has one assistant or cowitness.

STATEMENT OF RONALD ANDRADE, EXECUTIVE DIRECTOR, NATIONAL CONGRESS OF AMERICAN INDIANS, ACCOMPANIED BY GEORGIANNA TIGER, ADMINISTRATOR, NATIONAL CONGRESS OF AMERICAN INDIANS

Mr. ANDRADE. Thank you very much, Mr. Chairman.

My name is Ron Andrade. I am accompanied by Georgianna Tiger, who is administrator for NCAI.

We recognize that you are running very late and we will try to move very quickly. We have submitted testimony for the record and will try to respond to some of the points that we raised.

It is our concern, Mr. Chairman, that the National Congress of American Indians not come before this committee, or any other committee of the Congress right now, and only be concerned with attacking the Bureau of Indian Affairs. We recognize that they have significant problems. I think the Congress recognizes that. I think many of the workers inside the Bureau recognize that.

Our concern is the administration's attitude toward the Bureau, toward the tribes, toward the community colleges. The administration itself has not shown any strong commitment to the Indian colleges.

We recognize that it is not a question of advocacy on the part of the Bureau of Indian Affairs if we cannot get that same advocacy from the Department of the Interior itself, if we cannot have that same strong support from OMB, and we do not have that support from the administration. If they will not support these colleges then there is nothing that the Bureau of Indian Affairs can do.

They can promulgate as many budgets as they please. They can submit as many budgets as they want, but it is the Department of the Interior that forwards that on to Congress, not the Bureau of Indian Affairs.

Our concern is that all the problems that we are having with the Department of Education are all being fostered by the administration. It was the administration that strongly supported the transfer of the Bureau of Indian Affairs' schools to the Department of Education. It was the administration that fought the tribes and openly opposed the tribes' wishes not to have the schools transferred and kept telling us in meeting after meeting that we were wrong.

As late as January of this year, at a meeting in the White House on January 26, they again informed me that I was wrong, that they were still right. At that point they were going to transfer some other programs out of the Bureau of Indian Affairs. They were still concerned that we were wrong.

With that lack of support on the part of the administration, we see the reason for some problems happening.

The Bureau requested—the $28.2 million that was authorized was not requested. That request never came out. We then, again, attacked the Bureau of Indian Affairs. We said the Bureau had failed in its advocacy role. It had failed in its Federal trust responsibility role.

Yet we never heard the Department say anything. We never heard the White House say anything.

However, in the 1981 budget request, the President strongly endorsed—and he put it into the budget message that the administration would strongly support the continuation of black colleges. In fact, he said he was going to submit extensive appropriations language that would support them.

We turn around and in this last few months see title III wipe out many of the Indian colleges. It would have been very simple for this administration to inform them to assist these colleges. They might have said that they would not put them directly into the budget as they did the other colleges, but at least they could have supported them.

Instead, the administration has allowed title III individuals, staff people, to hide behind the Tribally Controlled Community Colleges Act and say: "You have money over there; you do not need us"; or "We can cut back on you"; or "You have complied with their rules and regulations but you have not complied with ours." That is where our concerns are.

The tribes have always endorsed the tribally controlled colleges. Twelve of the tribes that have colleges are members of NCAI. We have gone on record in meeting after meeting supporting the Tribally Controlled Community Colleges Act. We have supported this committee's efforts because it was this committee that first acknowledged the need for the tribally controlled community colleges.

Our concern, again, is that time after time we cannot see the administration—one of the things that you asked for at the very start of this hearing——

Senator COHEN. You say, you cannot see the administration?

Mr. ANDRADE. No. I have had a hard time seeing them.

Senator COHEN. I must exercise restraint. I want to appear as neutral as possible and not join in the attack upon the administration for its failure to measure up to past promises. I am just listening patiently to your attacks.

Mr. ANDRADE. I could see you were dismayed by what I was saying.

Senator COHEN. I think you have to stand in a long line with people who share the same sort of dismay for different reasons.

Mr. ANDRADE. Mr. Chairman, there is one recommendation that we can make very specifically. There are a few other points that we could respond to, but there is one in particular.

The Department of the Interior has hidden behind the Bureau themselves. They will tell us that they do not know what the Bureau is up to, even though that is within their jurisdiction, yet the Department of the Interior has failed to comply with a section of the Indian Reorganization Act of 1934.

In that act it specifically states that they shall consult with the tribes prior to submission of their budget to the Congress. They have never complied.

If we are to complain that the Bureau does not consult with the tribes in the submission of their Bureau budget and how they will justify their moneys that are tribally controlled, we could have had that input. It is within that law.

Interior has never complied with that law. They have never in advance——

Senator COHEN. Is the mandatory language "shall consult"?

Mr. ANDRADE. It is stated right in the Indian Reorganization Act that they shall consult prior.

Senator COHEN. Is that the potential legal action that the tribes are considering?

Mr. ANDRADE. We are considering that one across the board in submissions of the budget. The $40 million cutback recommended by the President—that was not consulted on in advance.

There was no consultation with the tribes in advance when they reduced the education division by $5.9 million. There was no consultation with the tribes prior to reductions in other areas—employment assistance, social services. They have never complied with that section.

If we are going to complain, this is one area in which we feel the committee could substantially assist us; namely, to bring the Interior into compliance with the law. The law was passed in 1934. If they cannot comply with the law in 40 years, then they have problems.

We complain that the Bureau cannot comply with Indian needs and the Interior surely cannot comply. That is in that law. We have submitted that to the Department of Education, telling them that if they were going to want to continue to mess around with our education programs and try to get the Bureau of Indian Affairs' schools transferred over there and continue to downgrade our programs in the Bureau, they should then begin to consult.

Instead, Mrs. Hufstedler told us that she did not feel that there was a necessity to consult, that she would just talk to whatever Indians she found. She said she would talk to everybody else. That concerns us.

Senator COHEN. Frankly, I am not that familiar with the specific wording of the provision. I would think that Mrs. Hufstedler, as a former jurist, would be most sensitive to any kind of mandatory language and would not simply dismiss it as unnecessary, but I am not in a position to pass judgment on that fact.

I was just inquiring of staff. Whenever one has these so-called consultations with Congress, unless they are specifically defined one has some difficulties. We have seen, for example—and it is a very remote analogy—a great controversy which has been stirred over the War Powers Act in terms of the degree to which the President must consult with Congress, Members of Congress, or select committees of Congress before taking certain actions.

There is a great deal of disagreement, particularly in the wake of the attempt to have a rescue mission in Iran, over whether any consultation was required.

I, frankly, have not looked specifically at that section, but I suspect that there are probably at least one or two different interpretations of what consultation is required.

I find it rather difficult to believe that Mrs. Hufstedler could take the position, if it is clearly spelled out in the law, that she need not consult with the tribes if in fact that is mandated. That is certainly something that I will look into myself and ask the chairman and other members of the committee to look at as well.

Mr. ANDRADE. We would be more than willing, Mr. Chairman, to send both the letter that we received from Mrs. Hufstedler and the letter we sent to Mrs. Hufstedler, as well as that one citing. We did do extensive research to determine whether or not the tribes were being excluded from the consultation process.

It has been our goal and it will continue to be our goal that the consultation process must take place, that they shall not continue, as long as we have the law. There is a difference between our just complaining and the fact that we have a law passed over 40 years ago that they just do not comply with.

There is a distinction that should be made. That is whether or not the Department of the Interior refuses to comply with that law. We can have all the consultation we want with the Bureau and decide the budget with them, but once it goes from the Bureau it is up to their decision as well as OMB.

I know that you have probably no more control over what OMB does than all the Indian tribes put together trying to consult with them would have. They seem to go their own way.

It is our concern that with that law present and with that law on the books for 40 years there should be some kind of process being used. It is baffling to the tribes that we were not told in advance that they were not going to ask for any money for the tribally controlled colleges. That came as a surprise to us.

The extensive reductions this year came as a surprise to us.

Senator COHEN. Are you saying that this is a sharp break in past practice, that there always has been consultation and that this administration is departing from that consultation, or are you saying that there has never been any consultation and they are just continuing it? Which is it?

Mr. ANDRADE. There has never been any consultation, but this administration is taking more of an attack upon the tribes in their programs than any other previous administration has done in quite a long time. We have seen more extensive reductions in Indian programs in this administration than in any other previous administration for a while.

We took extensive cuts in the Bureau. We took cuts—there are no increases at all in some of the other Indian programs. We took decreases in HUD, decreases in the Department of Labor. We took them across the board.

Senator COHEN. I am not talking about the reductions. I am talking about whether or not there have been working consultations with past administrations, within the BIA, within OMB, or within various other programs and the tribes and whether those have been broken as far as the present administration is concerned. It is not a question of whether they have cut more than past administrations but whether or not they have departed from a past practice or past compliance with the law. Is there any difference?

That is not clear to me from what you are saying.

Mr. ANDRADE. We have experienced benign neglect. In the 4 years of this administration they could not find an Indian coordinator in the White House or a person to coordinate Indian affairs. Instead, it was just allowed to float.

During the Nixon administration they had specific staff assigned. At one time it was Brad Patterson. Later on it became Len Garment. They were assigned specifically to Indian affairs. This administration has not.

This administration has not listened very closely to the tribes in consultation on the new Assistant Secretary recommendations. We have not heard anything back in, now, over 3 months about that appointment.

This administration has had almost no consultation with the tribes whatsoever. There is a sharp break in that between previous administrations, especially the Nixon administration. There is not the same relationship at all.

Our concern is that that reflects on what is happening in the budget.

I want to make one more quick point that we wanted to touch upon. That is this. We testified previously before the Congress that we felt that while no major policy decision may have been announced by the President, control of the budget is policy.

By reducing tribally controlled assistance he is setting policy. By not requesting money in certain programs, that is policy. By cutting back on water programs, that is water policy. By cutting back on other enhancement programs, that is policy.

We feel that is the way they are mandating their policy and it seems to be, in terms of the Tribally Controlled Community Colleges Act, that this administration's policy is not to support tribally controlled colleges. He is doing it by budget policy.

There is a very fine lined distinction, but our concern is that if there is no money to run the colleges then there are no colleges and that is a policy.

We feel that that is the way this administration is treating us at this point.

I want to make one more thing clear. That is that while we recognize that the Bureau has been faulted in other places and at other times regarding the vocational education set-aside matching, we have made it quite clear to the Bureau that we do not feel it is proper for them to take money out of other existing programs to transfer to meet that matching requirement.

We feel that there is already extensive cutting of the Bureau this year. The $40 million is lost. There are other cuts in education, other cuts in social services. We do not feel that it is possible to go into the present Bureau budget and shift around, because someone else has to lose in this process.

We feel that if that is going to be done and if it has to be done, then it should be done with the fullest consultation with the tribes because they must see what program they will lose in other areas. It is, as far as the National Congress is concerned, mandatory that the tribes have prior consultation.

It would be, in our opinion, only new money to make that matching requirement. We do not see where that money could be found inside the present programs to meet the matching set-aside requirement.

Senator COHEN. Thank you.

Without objection, your complete statement will be included in the record at this point.

[The prepared statement follows:]

PREPARED STATEMENT OF RONALD ANDRADE, EXECUTIVE DIRECTOR, NATIONAL CONGRESS OF AMERICAN INDIANS

Mr. Chairman and distinguished members of the Committee, my name is Ronald Andrade. I am the Executive Director of the National Congress of American Indians (NCAI). NCAI represents 150 tribes by membership whose elected governments represent some 400,000 combined citizens of Indian tribes. Twelve of those NCAI tribes have community colleges on their reservations under the guidelines of Public Law 95-471 as Tribally-Controlled Community Colleges. This statement is specifically on behalf of those colleges, but is also more broadly in support of all tribally controlled community colleges.

NCAI, the organization (and I personally) are strongly committed to tribal educationally-oriented initiatives. Indian tribes know that in developing and managing their other natural resources they must first place high priority on developing their most important resource—their human resource.

The U.S. Congress acknowedged this fact by the passage of Public Law 95-471, the Tribally Controlled Community Colleges Act on October 17, 1978. NCAI worked closely with the consortium colleges for nearly five years prior to that to achieve what we anticipated would be the end of the struggle for survival of the tribally controlled community colleges, and the beginning of stabilized and ongoing quality high[illegible] education for Indian people.

The colleges have long ago built a track record of success and justification for their existence—recorded in volumes of testimonies submitted to the Congress. This Committee was the first to adknowledge the need for tribally controlled community colleges. They are cost-effective, culturally-relevant, exceedingly high retention, while making significant self accreditation strides.

Unfortunately, for the colleges this enabling legislation has not translated itself into what the Congress intended in 1978.

In the first fiscal year budget request, the Department of Interior did not request any of the $28.2 million authorized. Congress itself had to again acknowledge the need for community colleges by appropriating a fiscal year 1980 $4 million add-on despite the Administrative apathy for Indian higher education. This Fiscal Year the Administration requested a $3.885 million decrease for tribally controlled community colleges (of a $5.244 million overall decrease in continuing education). This in addition to the Administration's refusal to request $5.9 million in Vocational Education Public Law 95-40, Office of Education matching monies targeted at continuing education for tribes. That this occurs nearly simultaneous to the Administration's $15 billion dollar cabinet level overture to American education is nothing short of baffling to Indian tribes.

Indian tribally controlled community colleges are expected to compete within this new U.S. Department of Education for their fair share of operational funding under Title III of Public Law 89-329, Developing Institution. This year's awards currently in the process of final agency determination, appear to be disproportionate in terms of the funding decreases for Indian tribal colleges and their consortium.

The misunderstanding of the funding philosophy of U.S. Department of Education to tribal colleges is evidently that these tribes have "their own" act in their own Department of Interior. This is not the case.

Public Law 95-471 is fast approaching its third and final year of authorization. Clearly, there are continuing overtures of this Administration in flagrant opposition to the efforts toward achievement of higher education for Indian people.

This is not the Bureau of Indian Affairs—it is not reflective of the existant advocacy within the Bureau of Indian Affairs—it is the Department, the OMB—the Administration. At best, the Administration in its severe apathy has raised false hopes and dealt a great set back to Indian people seeking higher education through the most pragmatic of vehicles—the tribal colleges. We again come to the Congress to urge you to help the Administration in upholding its legislative obligation to Indian higher education.

The authorizing legislation meets the needs of tribally controlled community colleges and without money it is an empty commitment.

Senator COHEN. Did you have another comment to make, Georgianna?

Ms. TIGER. No. Mr. Andrade made the point. That is not to say that NCAI does not support the Bureau matching of 5.9 money, but the Department needs to ask for new money and not take money away from existing tribal programs to meet it.

Senator COHEN. Is there anything else?

Mr. ANDRADE. I have one more point. These were points raised concerning previous testimony.

We are concerned, and NCAI has taken the position and has sent it to the Congress and will probably be sending it to the Senate Select Committee, about the definition of Indian study. We have sent out to our membership—our membership is fairly clear on this. We do not feel that there is a necessity for a definition of Indian study given the decision in the *Martinez* case—that is, *Martinez* v. *The Santa Clara Pueblo*—in which it was stated by the Supreme Court that the tribes shall decide their membership. No one else shall decide their membership.

The Supreme Court recognized that that is their inherent right to determine their membership and that no one else has that power. That is a power we retained prior to the United States coming into

existence, yet we now have the Department of Education assuming that they shall determine who shall be Indian or what shall constitute an Indian.

The tribes are clear. We agree with the point made by Mr. Clifford that there is a concern over the definition of services. A child that may be less than quarter blood or not have enough blood to meet the requirements of any given tribe for service, might need to be determined. Namely, how does a child who is from four tribes who is an eighth blood but is actually half blood Indian, but cannot get service because he is only an eighth blood from four tribes—that might need to be defined.

We do not feel that it is the will of Congress, or was the will of Congress originally in establishing many of our programs, or the intent of the Supreme Court, that this be done or that they would be overruled by this definition study. The Supreme Court was very clear. The tribes maintain that power. That is a part of their inherent powers.

We shall decide our membership and we have not heard any tribe speak differently on that.

We would appreciate the Senate Select Committee's assistance. We do not feel that that study is being done properly, namely, that the definition of Indian should be constrained by the definition of services and that is all.

Mr. Chairman, I thank you. I hope I did not take too much time.

Senator COHEN. No. That is fine. Thank you very much.

This concludes the hearing for today.

[Whereupon, at 5:30 p.m., the hearing was adjourned subject to the call of the Chair.]

ADDITIONAL MATERIAL RECEIVED FOR THE RECORD

STATEMENT OF GENEVA DILLON, DIRECTOR OF ADMISSIONS, COUNSELING, AND STUDENT AFFAIRS, LITTLE BIG HORN COLLEGE

Mr. Chairman, my name is Geneva Dillon, and I represent the Little Big Horn College as the Director of Admissions, Counseling and Student Affairs. The Little Big Horn College is a "tribally controlled" community college of the Crow Tribe of Indians, Montana. I would like to thank you for this opportunity to appear before your committee to present testimony on behalf of the Little Big Horn College's pending application for a "feasibility study" pursuant to the implementation of Public Law 95-471, the Tribally Controlled Community College Assistance Act of 1978.

REQUEST

The Little Big Horn College's request for their feasibility study is for $288,000. As I will explain this feasibility study will act as an integral part to the continued development of the Crow Tribe's Little Big Horn College.

The Crow Tribe of Indians is located in Southwestern Montana. Besides undeveloped natural resources of water, coal, gas, oil, grazing lands and other agriculture lands, the Crow Tribe of Indians has a population of approximately 6,000 members. Our Tribe is young. Higher Education opportunities in our tribal context, on reservation were not available. In 1972 the Crow Tribal Council formed the Crow Central Education Commission, to develop, promote and supervise tribal educational endeavors. The Commission is composed of tribal members who are elected from the various districts they are to represent. As a component part of the Crow Central Education Commission's responsibilities, the Little Big Horn College was as a tribally controlled community college. Consistent with Public Law 95-471 the college is designed to provide "higher education opportunity" to Crow Indian people at the local reservation level near their homes, families and their places of employment. In order to accomplish this the Little Big Horn College is truly tribally controlled. As I have demonstrated, the college is our integral part of our tribal structure and certainly sanctioned and chartered by the Crow Tribal Council. Secondly, the "3-letter rule" has been obtained for the college and is presently applicable.

For the past ten years the Crow Tribe has attempted to develop its natural resources consistent with tribal control. Consistent with that objective is also the development of our human resources. Without such development the Crows are still at the mercy of the larger outside interests. This will require our young students obtaining a higher education to obtain skills in order to achieve tribal control.

As it is now, Little Big Horn College does not receive Title III monies. If the Little Big Horn College does not receive the funds under Public Law 95-471 at this time the following will occur:

1. Various positions *now* funded through the Crow Teacher Training Program will be phased out at the end of this month.
2. Little Big Horn College will be understaffed more than ever.
3. The Crow Tribe will be contributing its obligation to the United States Government and to the people of the world by embarking upon coal mining to meet the international energy shortage; and in the process our most valuable resource "the human resource" will be neglected leading to the destruction of our people, land and culture.
4. Little Big Horn College may be forced to close its doors forever.

Thank you for allowing me to express what is sincerely in my mind and heart at this time regarding Public Law 95-471 and its impact upon my Crow people.

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THE COLLEGE OF GANADO,
Ganado, Ariz., June 24, 1980.

Hon. JOHN MELCHER,
Dirksen Senate Office Building,
U.S. Senate, Washington, D.C.

DEAR SENATOR MELCHER: This statement is submitted for inclusion in the written record of the Senate Select Committee on Indian Affairs' June 10, 1980, hearing on the reauthorization of Public Law 95-471, the Tribally Controlled Community College Assistance Act.

Earlier this Congress, your Select Committee held hearings on legislation to, among other things, expand the definition of post-secondary schools eligible to participate under Public Law 95-471. At that time, The College of Ganado submitted a statement expressing concern that enlarging the scope and number of participating schools would, in light of realistic appropriations, so diminish the amount of assistance available to any one school that the Act would have very little, if any, true influence over the betterment of Indian post-secondary schooling. In this present statement, the College must reiterate that unfortunate possibility, but with one crucial difference—that the scattering of available funds is no longer just a possible danger under some future amendments, but is, in fact, an imminent threat to the effective realization of Public Law 95-471 this upcoming year.

Under present implementation of the Tribally Controlled Community College Assistance Act, enough schools have been deemed eligible that the per-student funding level determined to be necessary for the basic provision of sound education under that law has already been ratably reduced by better than 25 percent. In Ganado's instance, and probably in several other instances, this reduction has forced a drastic revision in the school's budget and a subsequent reduction of educational services. This undesirable turn of events is directly attributable to the BIA's mishandling of the program's implementation, which to date has not resulted in a single operational grant disbursement. The Bureau's ineptitude is magnified by the total impropriety it displayed when it issued a sole-source contract to the American Indian Higher Education Consortium to design and process the feasibility studies that determine the eligibility of AIHEC's own member schools to participate in the operational grant program. The result of these questionable practices has been the finding that ten schools, and possibly twelve, are to take part in the operational grant program. It is not altogether certain that all the schools presently participating meet the intent or the letter of the law.

Perhaps anticipating such difficulties, the Office of Management and Budget has mandated that a review be undertaken from July 1, 1980, to November 1, 1980, of the full time equivalent student count in each participating institution. While it is presently unknown who will conduct the audit (hopefully not AIHEC), it may be advisable for it to consider the two following points:

1. A possible conflict of interest in allowing an association of schools seeking to benefit under the grant program to process or be involved in the determination of which schools will or will not qualify; and

2. The adherence of participating schools to the definition of "Institution of Higher Education" as defined in Public Law 95-471. That definition is cited in the final rules of November 21, 1979 for implementing Public Law 95-471, as well as in the legislative Report of the House Education and Labor Committee (H. Rept. 95-1558) as "being extremely important to the correct interpretation of this legislation." The Committee Report further states that "Institutions funded under this bill are to comply with the definition of an "institution of higher education" as found in section 1201(a) of the Higher Education Act of 1965. Clause 2 of that definition, dealing with State requirements, is excluded. By tying the funding of these schools to this standard, which includes an accreditation requirement, the Committee has guaranteed a level of instruction equal to that offered by other, non-Indian schools."

It is reasonable to suppose that should this audit review be completed in the early part of the July 1-November 1, 1980 timeframe, that accurate assessments of eligibility and student counts would be available, from which the Congress could instruct the Bureau as to realistic levels of Fiscal 1980 and 1981 operational support, as well as to objective determinations of program merit for re-authorization.

Sincerely,

DR. THOMAS C. JACKSON,
President.

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